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No. 50] NEW DELHI, DECEMBER 10—DECEMBER 16, 2017, SATURDAY/AGRAHAYANA 19—AGRAHAYANA 25, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2789.—केन्द्र सरकार, कार्मिक और प्रशिक्षण विभाग की दिनांक 15.11.2017 की पूर्व अधिसूचना सं. 228/49/2017-एवीडी-II का अधिक्रमण करते हुए तथा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए छत्तीसगढ़ राज्य सरकार, गृह विभाग (सी-सेक्शन) की दिनांक 29.11.2017 की अधिसूचना सं. एफ-131/गृह-सी/2017 द्वारा जारी की गई सहमति से पुलिस स्टेशन पांडी, रायपुर, छत्तीसगढ़ में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 384, 506 के अधीत दर्ज प्राथमिकी सं. 340/17 के अंतर्गत मामले में तथा पुलिस थाना सिविल लाइंस, रायपुर, छत्तीसगढ़ में सूचना प्रौद्योगिकी अधिनियम, 2000 की धारा 67 (क) के अंतर्गत प्राथमिकी सं. 665/2017 के अंतर्गत मामले में दर्ज अपराधों तथा उक्त मामलों में किए गए अपराधों और उक्त अपराधों को करने के क्रम में किए गए अथवा समान तथ्यों से उत्पन्न होने वाले अन्य अपराधों के संबंध में अथवा उनसे जुड़े प्रयासों, दुष्प्रेरणों तथा षडयंत्रों का अन्वेषण करने और पूछताछ करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और न्यायाधिकार क्षेत्र का विस्तार सम्पूर्ण छत्तीसगढ़ राज्य पर करती है।

[फा.सं. 228/49/2017-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)**

New Delhi, the 7th December, 2017

S.O. 2789.—In supersession of earlier DOPT Notification No. 228/49/2017-AVD-II dated 15.11.2017 and in exercise of the powers conferred by sub section (1) of Section 5 read either Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Chhattisgarh, Home Department (C-Section) issued vide Notification No. F-131/Home-c/2017 dated 29.11.2017 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Chhattisgarh to investigate and inquire into the offence registered in Police Station Pandri, Raipur, Chhattisgarh in a case under FIR No. 340/17 u/s 384, 506 Indian Penal Code, 1860 (Act No. 45 of 1860) and Police Station Civil Lines, Raipur, Chhattisgarh in a case under FIR No. 665/2017 u/s 67(A) of Information Technology Act, 2000 and attempts, abetments and conspiracies in relation to or in connection with the offences in the said cases and in other offences committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/49/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

वित्त मंत्रालय**(राजस्व विभाग)**

नई दिल्ली, 5 दिसम्बर, 2017

सं. 2/2017

का.आ. 2790.—जबकि केंद्र सरकार ने फा. सं. ए. 12026/7/2017-प्रशा. I, के दिनांक 10 अक्टूबर, 2017 के का. आ. सं. 306/2017 द्वारा सुश्री अनन्या रे, भारतीय राजस्व सेवा (सी. शु. एवं के. उ. शु.: 1980) (सेवानिवृत्त) को तस्कर एवं विदेशी मुद्रा छलसाधक (सम्पत्ति समग्रहण) अधिनियम, 1976 के तहत स्थापित अपीलीय अधिकरण के सदस्य के रूप में पद का प्रभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा 62 वर्ष की आयु तक अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त किया है।

और जबकि, सुश्री अनन्या रे ने 23 अक्टूबर, 2017 के पूर्वाह्न से उक्त अधिकरण के सदस्य के कार्यालय का प्रभार संभाला है।

अब, अधिकरण, अपीलीय अधिकरण एवं अन्य प्राधिकरण (सदस्यों की अर्हताएँ, अनुभव और सेवा की अन्य शर्तें) नियमावली, 2017 के साथ पठित तस्कर एवं विदेशी मुद्रा छलसाधक (सम्पत्ति समग्रहण) अधिनियम, 1976 (1976 का 13) की धारा 12 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार सुश्री अनन्या रे को उक्त अधिकरण के सदस्य के रूप में नियुक्ति को अधिसूचित करती है।

सुश्री अनन्या रे कार्यालय का भार 23 अक्टूबर, 2017 के पूर्वाह्न से तीन वर्षों की अवधि के लिए अथवा बासठ वर्ष की आयु पूरी करने तक अथवा अगले आदेशों तक, जो भी पहले हो, धारित करेंगी।

[फा. सं. ए-12026/2/2015-एसओ (सीए)]

एस. भौमिक, अवर सचिव

MINISTRY OF FINANCE**(Department of Revenue)**

New Delhi, the 5th December, 2017

No. 2/2017

S.O. 2790.—Whereas, the Central Government by Office Order No. 306/2017, bearing file No. A.12026/7/2017-Ad.I, dated 10th October, 2017 has appointed Ms. Ananya Ray, Indian Revenue Service (C&CE : 1980) (Retd.) as Member of the Appellate Tribunal established under Smugglers and Foreign Exchange Manipulators (Forfeiture of

Property) Act, 1976 from the date of assumption of charge of the post for a term of three years or upto 62 years or until further orders, whichever is earliest.

And whereas, Ms. Ananya Ray assumed the charge of the office of Member of the said Tribunal in the forenoon of the 23rd October, 2017.

Now in exercise of the powers conferred by sub-section (1) of section 12 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976), read with the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017, the Central Government hereby notifies the appointment of Ms. Ananya Ray as a Member of the aforesaid Tribunal.

Ms. Ananya Ray shall hold office for a period of three years with effect from the forenoon of 23rd October, 2017 or till she attains the age of sixty-two years or until further orders whichever is earliest.

[F. No. A-12026/2/2015-SO (CA)]

S. BHOWMICK, Under Secy.

विदेश मंत्रालय

(सीपीवी प्रभाग)

नई दिल्ली, 4 दिसम्बर, 2017

का.आ. 2791.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार श्री संजय कुमार एवं श्री उज्ज्वल जाइस्वल, सहायक अनुभाग अधिकारी को दिनांक 4 दिसम्बर, 2017 से भारत के राजदूतावास, हवाना में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2015]

प्रकाश चन्द, निदेशक (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 4th December, 2017

S.O. 2791.—In pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Sanjay Kumar and Shri Ujjwal Jaiswal, Assistant Section Officers in Embassy of India, Havana to perform the Consular services as Assistant Consular Officers with effect from 4th December, 2017.

[No. T-4330/01/2015]

PRAKASH CHAND, Director (Consular)

विद्युत मंत्रालय

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2792.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड के निम्नलिखित कार्यालयों जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:-

1. पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड,
विजयवाड़ा 400 के.वी. उपकेंद्र, नुन्ना, पिन : 521212
मंडल विजयवाड़ा ग्रामीण, जिला कृष्णा, आंध्र प्रदेश
2. पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड,
विजयवाड़ा 765/400 के.वी. उपकेंद्र,

8वां कि. मी. माइल स्टोन रायचूर-बेलगांव रोड़, आस्किहाल गांव के पास,
रायचूर-584104 (कर्नाटक)

3. पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड,
करनूल 765/400 के.वी. उपकेंद्र,
गांव और मंडल, औरवाकल, जिला करनूल, नांदयाल हाईवे रोड़, 23 कि.मी. स्टोन

[सं. 11011/9/2017—हिंदी]

भारती, संयुक्त सचिव (प्रषा.)

MINISTRY OF POWER

New Delhi, the 12th December, 2017

S.O. 2792.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the following offices of the Power Grid Corporation of India Ltd. Under the administrative control of Ministry of Power] where 80% of the staff have acquired working knowledge of Hindi:-

1. Power Grid Corporation of India Ltd.
Vijayawada 400 KV Sub-Station, Nunna,
Pin-521212, Vijayawada Rural,
Krishna District, Andhra Pradesh
2. Power Grid Corporation of India Ltd.
765/400 KV Sub-Station, 8th KM Milestone,
Raichur-Belgaum Road, Near Askihal Village,
RAICHUR- 584102 (KARNATAKA)
3. Power Grid Corporation of India Ltd.,
765/400 KV Sub-Station,
Village & Mandal : Orvakal
District: Kurnool
Kurnool- Nandyal Highway Road, 23 KM Milestone 8th KM Milestone,

[No. 11011/9/2017-Hindi]

BHARATI, Jt. Secy. (Adm.)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2793.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (4) के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पत्ता	भारतीय मानक का शीर्षक	भा मा	भाग	अनु	वर्ष
1.	एल-9512382717	02.06.2017	मै0 दिनेश फैब्रिकेशनस, धानी फोगट रोड, चरखी दादरी, जिला भिवानी, हरियाणा	खड्गे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006

2.	एल- 9512383323	02.06.2017	मै0 सरस्वती कंस्ट्रक्शनस, हिसार रोड, तोशाम, जिला भिवानी, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
3.	एल- 9512383222	05.06.2017	मै0 पायनीयर पैनेल प्रोडक्टस, वीपीओ इसमालिया II-बी, कुलटाना बैरी रोड, तहसील सांपला, जिला रोहतक - 124501, हरियाणा	मध्यम धनत्व के पूर्व- लेमिनेटिड फाबर बोर्ड	14587	-	-	1998
4.	एल- 9512383424	07.06.2017	मै0 जांगरा बिल्डिंग मैटीरियल सप्लायर, गाँव रुरियावास, जिला झज्जर - 124106, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
5.	एल- 9512382818	08.06.2017	मै0 तन्नु टाइल्स फैक्टरी, दादरी रोड, वीपीओ हलुवास, जिला भिवानी - 127021, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
6.	एल- 9512382919	08.06.2017	मै0 आदि इन्टरप्राइसिस, बी. पी. ओ. पनहेडा खुर्द, बल्लभगढ़, जिला फरीदाबाद - 121004, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
7.	एल- 9512383121	08.06.2017	मै0 अजय कंक्रीट उद्योग, पिलानी रोड, वीआरसीएम कालेज के नज़दीक, बीहाल, तहसील लोहारू, जिला भिवानी - 127028, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
8.	एल- 9512383020	10.06.2017	मै0 जय बाबा दयादास कंक्रीट उद्योग, बी. पी. ओ. धनाना, जिला भिवानी - 127031, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
9.	एल- 9512383517	12.06.2017	मै0 कुबेर जी एण्ड एसोसिएट्स, रेलवे लाइन, मुनकटी से मरैली रोड,	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006

			दकोरा, जिला पलवल, हरियाणा					
10.	एल- 9512383618	15.06.2017	मै0 सोरौट टाइल्स उद्योग, पुन्हाना रोड, होडल, जिला पलवल, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
11.	एल- 9590000917	15.06.2017	मै0 सैन्को गोल्ड लि०, मेघा सिटी मॉल, जी.एफ. शॉप नं 2, एम. जी. रोड, जिला गुडगाँव – 122002, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	1417	-	-	2016
12.	एल- 9512383820	19.06.2017	मै0 नीरज इन्टरलॉकिंग टाइल्स उद्योग, बस स्टैंड के नज़दीक, बी. पी. ओ. - चौदी, जिला रोहतक – 124514, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
13.	एल- 9512384418	19.06.2017	मै0 अनमोल रतना इन्टरलॉकिंग टाइल्स फैक्टरी, गाँव दरौली, तहसील कोसली, जिला रेवाड़ी – 123411, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
14.	एल- 9512383921	20.06.2017	मै0 नाइस इन्टरप्राइसिस, वार्ड नं० 8, बाबा राइस मिल के सामने, होडल, जिला पलवल – 121106, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
15.	एल- 9512384620	20.06.2017	मै0 केपीसी फलैक्सी टयूबस प्रा० लि०, प्लॉट नं० 7ए, 13/3, मथुरा रोड, जिला फरीदाबाद – 121003, हरियाणा	चिनाई और कंक्रीट वाले बौंधों में प्रयोग में आने वाले अनुप्रस्थ संकोच जोड़ों पर पी वी सी जल रोधक	15058	-	-	2002
16.	एल- 9512384022	22.06.2017	मै0 आर. डी. कंक्रीट कं०, बीपीओ कुलटाना, सांपला बेरी रोड, सांपला,	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006

			जिला रोहतक – 124501, हरियाणा					
17.	एल- 9512384224	22.06.2017	मै0 बाबा मुंगिपा कंस्ट्रक्शन कं०, बी पी ओ निगाना खुर्द, तोशाम, जिला भिवानी – 127021, हरियाणा	खड़जे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
18.	एल- 9512384123	23.06.2017	मै0 एल. एस. केबल इण्डिया प्रा० लि०, प्लॉट नं० 28-31, सैक्टर-5, फेस - II, जी सी बावल, बावल, जिला रेवाड़ी - 123501, हरियाणा	पोलीविनाइल क्लोराइड (भारी ड्यूटी) इलैक्ट्रीक केबल भाग 1: 1100 किलो वाट की और तक की कार्यकारिता वोल्टता के लिए	1554	01	-	1988
19.	एल- 9512384317	29.06.2017	मै0 जे. एस. इन्टरप्राइसिस, गॉव बानीपुर, पी. ओ. बावल, जिला रेवाड़ी, हरियाणा	खड़जे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
20.	एल- 9512384519	30.06.2017	मै0 मंगलम इन्फ्राटैक, बी. पी. ओ. पडियानवास, जिला रेवाड़ी – 123401, हरियाणा	खड़जे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006

[सं. सीएमडी/13:11]

एस. के. वर्मा, वैज्ञानिक ई एवं प्रमुख

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 7th December, 2017

S.O. 2793.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No. CM/L-	Grant Date	Name & Address of the Licensee	Title of the Standard	IS No.	Part	Sec.	Year
1.	L- 9512382717	02.06.2017	M/s. Dinesh Fabrications, Dhani Phogt Road, Charkhi Dadri, Distt. Bhiwani, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006

2.	L-9512383323	02.06.2017	M/s. Saraswati Constructions, Hisar Road, Tosham, Distt. Bhiwani, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
3.	L-9512383222	05.06.2017	M/s. Pioneer Penal Products, VPO Ismalia II-B, Kultana Beri Road, Sampla, Distt. Rohtak - 124501, Haryana	Pre-Laminated Medium Density Fibre Boards	14587	-	-	1998
4.	L-9512383424	07.06.2017	M/s. Jangra Building Material Supplier, Village Ruriawas, Distt. Jhajjar, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
5.	L-9512382818	08.06.2017	M/s. Tannu Tiles Factory, Dadri Road, VPO Haluwas, Distt. Bhiwani - 127021, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
6.	L-9512382919	08.06.2017	M/s. AADI Enterprises, V.P.O. Panhera Khurd, Ballabgarh, Distt. Faridabad - 121004, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
7.	L-9512383121	08.06.2017	M/s. Ajay Concrete Udyog, Pilani Road, Near BRCM College, Behal, Tehsil Loharu, Distt. Bhiwani – 127028, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
8.	L-9512383020	10.06.2017	M/s. Jai Baba Dayadass Concrete Udyog, VPO Dhanana, Distt. Bhiwani - 127031, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
9.	L-9512383517	12.06.2017	M/s. Kuber Ji and Associates, Railway Line, Munkati to Maroli Road, Dakora, Distt. Palwal, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
10.	L-9512383618	15.06.2017	M/s. Sorout Tiles Udyog, Punhana Road, Hodal, Distt. Palwal, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006

11.	L-9590000917	15.06.2017	M/s. Senco Gold Ltd., Mega City Mall, G.F. Shop No. 2, M.G. Road, Distt. Gurgaon – 122002, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2116
12.	L-9512383820	19.06.2017	M/s. Neeraj Interlocking Tiles Udyog, Near Bus Stand, V.P.O.- Chandi, Distt. Rohtak - 124514, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
13.	L-9512384418	19.06.2017	M/s. Anmol Ratana Interlocking Tiles Factory, Village Daroli, Tehsil Kosli, Distt. Rewari – 123411, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
14.	L-9512383921	20.06.2017	M/s. Nice Enterprises, Ward No.8, Opp. Baba Rice Mill., Hodal, Distt. Palwal – 121106, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
15.	L-9512384620	20.06.2017	M/s. KPC Flexi Tubes Pvt. Ltd., Plot No. 7A, 13/3, Mathura Road, Distt. Faridabad - 121003, Haryana	PVC Water-Stops at Transverse Contraction Joints for use in Masonry and Concrete Dams	15058	-	-	2002
16.	L-9512384022	22.06.2017	M/s. R.D. Concrete Co., VPO Kultana, Sampla, Distt. Rohtak, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
17.	L-9512384224	22.06.2017	M/s. Baba Mungippa Construction Co., Tosham, Distt. Bhiwani, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
18.	L-9512384123	23.06.2017	M/s. L.S. Cable India Pvt. Ltd., Plot No. 28-31, Sector – 5, Phase – II, G.C. Bawal, Distt. Rewari – 123501, Haryana	PVC Insulated (Heavy Duty) Electric Cables Part 1: For Working Voltages upto and including 1100 V	1554	01	-	1988
19.	L-9512384317	29.06.2017	M/s. J.S. Enterprises, Village Banipur, P.O. Bawal, Distt. Rewari, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006

20.	L-9512384519	30.06.2017	M/s. Manglam Infratech, V.P.O. Padianwas, Distt. Rewari, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
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[No. CMD/13:11]

S. K. VERMA, Scientist E & Head

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2794.— भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएमएल/	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तुप्रक्रम/सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
01	एल-9512368723	मै. आईयूपी जिन्दल मैटल्स एण्ड एलोएस लि., दहकोरा रोड, गाँव रोहद, बहादुरगढ़, जिला झज्जर – 124501, हरियाणा	बर्तनों और रसोईघर साधित्रों के लिए अल्प निकल ऑस्टेनिटीक स्टेनलैस स्टील की चादर एवं पत्ती आई एस 15997:2012	22.06.2017

[सं. सीएमडी/13:13]

एस. के. वर्मा, वैज्ञानिक ई एवं प्रमुख

New Delhi, the 7th December, 2017

S.O. 2794.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each:

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence Cancelled/suspension	Date of Cancellation
01	L-9512368723	M/s. IUP Jindal Metals & Alloys Ltd., Dehkora Road, Village Rohad, Bahadurgarh, Distt. Jhajjar – 124501, Haryana	Low Nickel Austenitic Stainless Steel Sheet and Strips for Utensils and Kitchen Appliances IS 15997:2012	22.06.2017

[No. CMD/13:13]

S. K. VERMA, Scientist E & Head

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2795.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पत्ता	भारतीय मानक का शीर्षक	भा मा	भाग	अनु	वर्ष
1.	एल-9512382018	02.05.2017	मै0 दीप ज्वैलर्स, ओल्ड बिजली बोर्ड के नज़दीक, बस स्टैण्ड, बहल, लोहारू, जिला भिवानी - 127028, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	1417	-	-	2016
2.	एल-9512382220	04.05.2017	मै0 अपना ज्वैलर्स, शॉप नं0 781/2, लिंक रोड, अग्रवाल धर्मशाला के नज़दीक, ओल्ड फरीदाबाद, जिला फरीदाबाद, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	1417	-	-	2016
3.	एल-9512382321	04.05.2017	मै0 अपना ज्वैलर्स, शॉप नं0 781/2, लिंक रोड, अग्रवाल धर्मशाला के नज़दीक, ओल्ड फरीदाबाद, जिला फरीदाबाद, हरियाणा	चौंटी एवं चौंटी मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	2112	-	-	2014
4.	एल-9512382422	04.05.2017	मै0 पायनीयर पैनल प्रोडक्ट्स, वीपीओ इस्मालिया II-बी, कुलटाना बेरी रोड, तहसील सांपला, जिला रोहतक - 124501, हरियाणा	सामान्य प्रयोजन के लिए मध्यम धनत्व के रेशा बोर्ड	12406	-	-	2003
5.	एल-9512382523	05.05.2017	मै0 ग्लेन एपलाइसिस, आई-34, इण्डस्ट्रीयल एरिया, फेस-I, जिला फरीदाबाद - 121003, हरियाणा	द्रवित पेट्रोलियम गैसों के साथ प्रयुक्त घरेलू गैस चूल्हे	4246	-	-	2002

6.	एल- 9590000117	08.05.2017	मै0 पवन ज्वैलर्स, मेन बाज़ार, माटनहेल, जिला झज्जर, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	1417	-	-	2016
7.	एल- 9590000218	08.05.2017	मै0 राजन ज्वैलर्स, रेलवे रोड, जिला रोहतक, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	1417	-	-	2016
8.	एल- 9590000319	08.05.2017	मै0 मलहोत्रा सन्स ज्वैलर्स, शॉप नं0 37, पालिका बाज़ार, सिविल रोड, जिला रोहतक - 124001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	1417	-	-	2016
9.	एल- 9590000420	08.05.2017	मै0 मधुसूदन ज्वैलर्स, रेलवे रोड, फोटो वाली गली का कॉर्नर, जिला रोहतक - 124001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	1417	-	-	2016
10.	एल- 9590000521	08.05.2017	मै0 लाल चन्द अजय कुमार, रेलवे रोड, जिला रोहतक - 124001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	1417	-	-	2016
11.	एल- 9512382624	15.05.2017	मै0 जय किसान इन्टरप्राइसिस, लोहारू रोड, बादड़ा, जिला भिवानी - 127308, हरियाणा	खड्गे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
12.	एल- 9590000622	17.05.2017	मै0 लाला बाल किशन ज्वैलर्स, वार्ड नं0 4, अनाज मण्डी, हेली मण्डी, तहसील पटौदी, जिला गुडगाँव, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	1417	-	-	2016
13.	एल- 9590000723	17.05.2017	मै0 लाला बाल किशन ज्वैलर्स, वार्ड नं0 4, अनाज मण्डी, हेली मण्डी, तहसील पटौदी, जिला गुडगाँव, हरियाणा	चौदी एवं चौदी मिश्रधातु आभूषण/शिल्प वस्तुएँ – महीनता एवं मुहरांकन	2112	-	-	2014

14.	एल- 9590000824	25.05.2017	मै0 लूना, बी-288, सुशांत लोक-1, जिला गुडगाँव - 122002, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएँ - महीनता एवं मुहरांकन	1417	-	-	2016
15.	एल- 9512383719	31.05.2017	मै0 क्वालिटी लिमिटेड, सोफता, जिला पलवल - 121004, हरियाणा	अनुसरित फार्मूला - अनुपूरक आहार	15757	-	-	2007

[सं. सीएमडी/13:11]

एस. के. वर्मा, वैज्ञानिक ई एवं प्रमुख

New Delhi, the 7th December, 2017

S.O. 2795.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule:

SCHEDULE

Sl. No.	Licences No. CM/L-	Grant Date	Name & Address of the Licensee	Title of the Standard	IS No.	Part	Sec.	Year
1.	L-9512382018	02.05.2017	M/s. Deep Jewellers, Near Old Bijli Board, Loharu Distt. Bhiwani - 127028, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
2.	L-9512382220	04.05.2017	M/s. Apna Jewellers, Shop No.781/2, Link Road, Near Aggarwal Dharamshala, Old Faridabad, Distt. Faridabad, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
3.	L-9512382321	04.05.2017	M/s. Apna Jewellers, Shop No.781/2, Link Road, Near Aggarwal Dharamshala, Old Faridabad, Distt. Faridabad, Haryana	Silver and Silver Alloys Jewellery/Artefacts - Fineness and Marking	2112	-	-	2014
4.	L-9512382422	04.05.2017	M/s. Pioneer Panel Products, VPO Ismalia II-B, Kultana Beri Road, Sampla, Distt. Rohtak - 124501, Haryana	Medium Density Fibre Board for General Purpose	12406	-	-	2003
5.	L-9512382523	05.05.2017	M/s. Glen Appliances, I-34, Industrial Area, Phase-I, Distt. Faridabad - 121003, Haryana	Domestic Gas Stoves for use with Liquefied Petroleum Gas	4246	-	-	2002
6.	L-9590000117	08.05.2017	M/s. Pawan Jewellers, Main Bazar, Matanhail, Distt. Jhajjar, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016

7.	L-9590000218	08.05.2017	M/s. Rajan Jewellers, Railway Road, Distt. Rohtak, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
8.	L-9590000319	08.05.2017	M/s. Malhotra Sons Jewellers, Shop No.37, Palika Bazar, Civil Road Distt. Rohtak - 124001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
9.	L-9590000420	08.05.2017	M/s. Madhusudan Jewellers, Railway Road, Corner of Photo Wali Gali, Distt. Rohtak - 124001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
10.	L-9590000521	08.05.2017	M/s. Lal Chand Ajay Kumar, Railway Road, Distt. Rohtak - 124001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
11.	L-9512382624	15.05.2017	M/s. Jai Kissan Enterprises, Loharu Road, Badhra, Distt. Bhiwani - 127308, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
12.	L-9590000622	17.05.2017	M/s. Lala Bal Kishan Jewellers, W. No.4, Anaj Mandi, Haily Mandi, Tehsil Pataudi, Distt. Gurgaon, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
13.	L-9590000723	17.05.2017	M/s. Lala Bal Kishan Jewellers, W. No.4, Anaj Mandi, Haily Mandi, Tehsil Pataudi, Distt. Gurgaon, Haryana	Silver and Silver Alloys Jewellery/Artefacts - Fineness and Marking	2112	-	-	2014
14.	L-9590000824	25.05.2017	M/s. LUNA, B-288, Sushant Lok-1, Distt. Gurgaon - 122002, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
15.	L-9512383719	31.05.2017	M/s. Kwaliti Limited, Softa, Distt. Palwal - 121004, Haryana	Follow-up Formula – Complementary Foods	15757	-	-	2007

[No. CMD/13:11]

S. K. VERMA, Scientist E & Head

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2796.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएमएल/	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तुप्रक्रम/सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
01	एल-9801584	मै0 सूर्या प्रोडक्ट्स, गाँव बरौली, खेवट नं0 1, खतानी नं0 1, मुस्तकिल नं0 12, किला नं0 15/5/1, बल्लभगढ़, जिला फरीदबाद – 121004, हरियाणा	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) आई एस 14543:2004	08.05.2017

[सं. सीएमडी/13:13]

एस. के. वर्मा, वैज्ञानिक ई एवं प्रमुख

New Delhi, the 7th December, 2017

S.O. 2796.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each:

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence Cancelled/suspension	Date of Cancellation
01	L-9801584	M/s. Surya Products, Village Baroli, Khewat No. 1, Khatauni No.1, Mustkil No. 12, Kila No. 15/5/1, Ballabgarh, Distt. Faridabad – 121004, Haryana	Packaged Drinking Water (Other Than Packaged Natural Mineral Water) IS 14543:2004	08.05.2017

[No. CMD/13:13]

S. K. VERMA, Scientist E & Head

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2797.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि पारादीप हल्दीया-दुर्गापुर पाइपलाइन संवर्द्धन परियोजना अन्तर्गत पेट्रोलियम पदार्थों के परिवहन हेतु अंचल-बौसी, जिला-बंका, राज्य-बिहार में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन बिछाए जाने हेतु उपयोग के अधिकार के अर्जन के लिए, श्री जगदीष प्रसाद सिंह व सक्षम प्राधिकारी इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइंस डिवीजन) पटना, निषि कुंज, बसंत विहार कॉलोनी, बोरिंग रोड, पटना, पिन: 800001, बिहार को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

अंचल—बौसी		जिला—बांका		राज्य—बिहार	
मौजा / थाना नं०	सर्वे / प्लॉट सं.	सब—डीव—सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5	6
निमोको किता थाना नं०—399	2		00	14	12
भागा थाना नं०— 470	1087		00	52	05
	1084		00	01	83
	1085		00	00	40
	1083		00	06	78
	1082		00	15	54
	1173		00	01	77
	845		00	19	25
	1058		00	20	08
	1056		00	01	95
	1055		00	00	40
	1053		00	17	22
	1059		00	06	19
	1049		00	12	32
	1048		00	04	76
	1047		00	06	89
	1046		00	01	84
	1036		00	03	18
	1035		00	15	87
	791		00	03	37
	789		00	08	75
	794		00	03	40
	800		00	10	26
	801		00	11	54
	804		00	03	55

	812		00	02	44
	822		00	07	18
	829		00	12	00
	826		00	00	42
	828		00	00	48
	832		00	09	31
	833		00	00	40
	413		00	01	41
	416		00	06	51
	417		00	07	88
	421		00	05	35
	388		00	02	25
	386		00	02	12
	383		00	00	40
	484		00	01	16
	385		00	01	65
	423		00	01	39
	424		00	03	42
	425		00	02	59
	426		00	04	05
	427		00	03	55
	605		00	00	40
	428		00	08	93
	429		00	05	05
	434		00	05	53
	433		00	07	06
	430		00	00	40
	432		00	03	03
	437		00	01	97
	440		00	12	38
	450		00	08	58
	451		00	02	06
	455		00	05	94

	454		00	00	40
	456		00	01	51
	457		00	00	40
	496		00	01	70
	458		00	18	52
	455		00	00	82
	492		00	03	46
	487		00	00	92
	486		00	00	40
	479		00	03	98
	475		00	01	63
	480		00	04	21
	473		00	03	40
	482		00	08	14
	485		00	17	22
गोढ़िआ थाना नं०— 392	641		00	01	89
	632		00	06	89
	627		00	02	72
	626		00	15	88
	616		00	00	70
	620		00	05	76
	604		00	14	28
	605		00	00	50
	601		00	03	74
	602		00	05	00
	603		00	00	59
	572		00	05	97
	571		00	04	69
	573		00	02	85
	553		00	00	74
	568		00	07	40
	513		00	03	70
	512		00	01	09

	518		00	04	82
	514		00	00	40
	519		00	11	90
	516		00	00	43
	528		00	02	18
	529		00	04	82
	643		00	05	41
	540		00	00	40
	541		00	00	96
	461		00	00	40
	526		00	05	41
	500		00	04	93
	497		00	05	01
	494		00	00	33
	496		00	00	40
	495		00	11	95
	483		00	01	97
	400		00	02	91
	187		00	02	03
	358		00	25	72
	369		00	05	21
	368		00	03	21
	356		00	12	51
	370		00	13	50
	375		00	05	24
	376		00	03	21
	377		00	07	45
	378		00	01	96
	379		00	00	62
	380		00	01	67
	374		00	00	40
	381		00	09	59
	383		00	10	61

	356		00	03	79
	330		00	04	83
	331		00	06	40
	329		00	01	25
	328		00	18	68
	642		00	08	51
दोमोहान किता थाना नं०—398	14		00	01	20
	15		00	05	52
	16		00	01	50
	17		00	02	02
	18		00	01	65
	19		00	00	40
	22		00	05	50
	23		00	02	42
	24		00	00	77
	28		00	00	83
	29		00	02	29
	30		00	01	89
	31		00	05	26
	32		00	05	29
	33		00	01	14
	110		00	02	09
	117		00	07	43
कैरी थाना नं०—391	784		00	02	93
	785		00	00	40
	786		00	02	08
	787		00	11	18
	791		00	00	79
	792		00	01	82
	793		00	07	60
	794		00	00	60
	1189		00	03	25
	1190		00	09	35

	1191		00	01	80
	1183		00	01	88
	1176		00	00	57
	1177		00	14	14
	1178		00	12	04
	1179		00	00	40
	1181		00	01	28
	1152		00	04	01
	1150		00	13	01
	1148		00	10	04
	1147		00	05	20
	874		00	00	40
	945		00	23	21
	950		00	02	31
	951		00	00	27
	949		00	05	17
	948		00	03	04
	947		00	01	83
	946		00	01	08
	977		00	02	64
	978		00	01	86
	979		00	01	57
	976		00	06	03
	974		00	03	73
	980		00	39	72
	1125		00	14	11
	1118		00	24	12
	1237		00	04	20
	1600		00	15	54
	1586		00	06	43
	1587		00	16	81
	1550		00	07	93
	1548		00	03	53

	1551		00	03	59
	1627		00	13	32
	1629		00	05	97
	1630		00	11	80
	1637		00	02	55
	1636		00	08	09
	1638		00	00	40
	1640		00	10	46
	1645		00	02	14
	1642		00	02	27
	1653		00	01	68
	1795		00	18	03
	1794		00	07	89
	1793		00	15	05
	1796		00	01	00
रानी थाना नं०— 390	152		00	11	29
	149		00	06	00
	148		00	08	20
	144		00	03	21
	145		00	03	70
	140		00	06	45
	139		00	04	21
	123		00	00	40
	124		00	00	63
	136		00	03	83
	125		00	03	96
	121		00	01	61
	179		00	11	08
	184		00	01	66
	332		00	02	44
	333		00	03	52
	335		00	04	18
	334		00	01	11

	330		00	03	90
	336		00	05	52
	337		00	06	18
	328		00	02	81
	354		00	03	92
	355		00	10	27
	359		00	02	56
	360		00	00	77
	356		00	05	41
	357		00	04	11
	372		00	02	14
	373		00	04	54
	371		00	07	87
	381		00	09	08
	382		00	05	48
	384		00	10	54
	385		00	11	19
सुखिया बरैत थाना नं०-469	911		00	22	90
	912		00	02	41
	916		00	05	39
	917		00	05	63
	918		00	00	67
	921		00	02	84
	926		00	04	35
	1109		00	13	81
	1112		00	00	52
	1113		00	21	50
	1115		00	03	70
	1116		00	03	13
	1119		00	00	40
	932		00	09	26
	930		00	00	98
	931		00	00	40

	929		00	10	66
	933		00	04	97
	939		00	00	83
	942		00	10	56
	941		00	01	69
	910		00	03	33
	943		00	03	65
	947		00	02	70
	949		00	10	96
	950		00	00	57
	967		00	13	42
	956		00	00	40
	957		00	00	40
	965		00	00	74
	964		00	01	40
	963		00	02	90
	962		00	04	36
	961		00	00	45
	960		00	02	91
	976		00	00	41
	977		00	13	53
	978		00	04	25
	1021		00	04	02
	1016		00	00	41
	1022		00	07	87
	1015		00	00	40
	1014		00	04	11
	1013		00	11	37
	1012		00	00	40
	999		00	01	65
	1000		00	03	55
	830		00	00	74
	829		00	03	50

	828		00	05	85
	827		00	10	75
	826		00	02	80
	823		00	07	03
	2908		00	00	40
	785		00	12	18
	786		00	02	00
	675		00	09	04
	672		00	00	57
	673		00	18	74
	678		00	16	14
	679		00	40	06
	680		00	06	73
	471		00	24	80
	468		00	02	57
	470		00	01	44
	467		00	06	84
	465		00	07	78
	466		00	02	06
	460		00	10	08
	462		00	02	78
	458		00	05	04
	457		00	15	06
	456		00	00	40
	274		00	06	43
	275		00	00	40
	295		00	23	45
	293		00	07	32
	288		00	00	40
	292		00	18	08
	291		00	01	00
	376		00	02	18
	403		00	06	14

	401		00	04	57
	400		00	00	40
	397		00	13	08
	415		00	08	62
	416		00	08	56
	959		00	14	71
	402		00	00	40
सिकन्दरपुर थाना नं०-438	1857		00	08	58
	1855		00	01	40
	1853		00	33	79
	1851		00	03	34
	1846		00	07	38
	1844		00	02	14
	1843		00	04	37
	1816		00	07	19
	1835		00	09	71
	1667		00	05	03
	1668		00	05	49
	1669		00	05	01
	1671		00	03	99
	1687		00	06	86
	1675		00	00	74
	1685		00	02	91
	1688		00	01	63
	1686		00	01	88
	1689		00	08	69
	1693		00	04	47
	1694		00	05	30
	1697		00	06	13
	1699		00	14	28
	1719		00	09	65
	1724		00	01	58
	1733		00	08	67

	1732		00	11	23
	1734		00	14	54
	1730		00	06	10
	1729		00	04	37
	1728		00	07	93
	एए		00	15	82
	1629		00	11	17
	1854		00	00	40
बरहम्पुर थाना नं०-389	129		00	04	08
	128		00	09	58
	127		00	05	30
	119		00	02	67
	126		00	02	42
	116		00	03	12
	115		00	04	35
	114		00	14	13
	113		00	08	06
	190		00	00	66
	108		00	50	12
	107		00	03	88
	106		00	03	44
	104		00	02	14
	103		00	05	92
	195		00	00	40
	191		00	02	12
	105		00	01	04
	106		00	01	06
	116		00	03	12
	102		00	05	94
	101		00	02	23
बिशुनपुरा थाना नं०-388	88		00	06	40
	87		00	07	94
	107		00	04	81

	108		00	02	24
	109		00	05	00
	110		00	03	02
	111		00	06	57
	115		00	06	39
	116		00	01	13
	119		00	13	32
	118		00	00	60
	36		00	20	90
	35		00	00	50
	31		00	00	64
	30		00	00	98
	29		00	00	72
	5		00	15	57
	4		00	03	59
	1		00	29	39
	146		00	03	66
	102		00	13	78
	127		00	12	97
	6		00	01	28
गोकुला टोला थाना नं०-471	नदी		00	01	54
	930		00	18	99
	928		00	17	67
	891		00	02	22
	892		00	00	40
	894		00	21	07
	895		00	01	23
	899		00	09	50
	883		00	08	00
	834		00	19	25
	875		00	21	72
	872		00	05	16
	871		00	01	55

	870		00	13	04
	864		00	03	84
	499		00	08	81
	500		00	09	86
	498		00	02	05
	496		00	12	24
	482		00	08	41
	476		00	04	09
	477		00	00	40
	479		00	08	10
	481		00	04	18
	एए		00	06	48
	538		00	05	27
	108		00	00	84
	109		00	05	24
	107		00	03	57
	106		00	01	17
	104		00	36	83
	87		00	01	51
	92		00	00	00
	88		00	09	83
	91		00	01	01
	95		00	12	59
	96		00	01	10
सरुवा थाना नं०— 467	रोड		00	05	98
	2222		00	00	59
	2220		00	05	09
	2219		00	35	59
	2211		00	33	08
	रोड		00	01	29
कैरी थाना नं०—447	4939		00	10	17
	282		00	00	40
	281		00	07	05
	278		00	01	43
	280		00	07	99
	270		00	06	54

	269		00	02	49
	268		00	01	37
	267		00	01	10
	266		00	09	96
	263		00	28	20
	रोड		00	04	94
	242		00	17	26
	261		00	03	53
	161		00	22	70
	162		00	05	29
	159		00	06	49
	158		00	07	27
	157		00	06	11
	156		00	02	15
	155		00	02	89
	151		00	13	89
	150		00	04	17
दहुआ थाना नं०-440	1768		00	10	23
	1779		00	01	42
	1767		00	30	38
	1622		00	48	79
	1621		00	33	78
	1620		00	04	27
	1618		00	09	89
	1617		00	10	10
	1616		00	01	06
	1615		00	01	54
	1602		00	24	74
	1601		00	02	297
	1603		00	25	18
	1604		00	00	74
	1598		00	05	30
	1596		00	07	20
	1595		00	01	38
	1594		00	12	21
	1444		00	06	46
	1443		00	08	38

	1447		00	01	31
	1441		00	05	91
	1440		00	03	09
	1453		00	08	82
	1438		00	06	24
	1437		00	13	14
	1371		00	04	63
	1411		00	05	42
	1434		00	00	94
	1413		00	10	51
	1414		00	00	40
	1422		00	02	57
	1425		00	22	21
	1424		00	01	71
	1426		00	11	16
	1427		00	05	37
	1428		00	01	20
	1431		00	06	24
	953		00	02	98
	951		00	06	81
	948		00	06	04
	949		00	03	36
	954		00	08	09
	621		00	21	49
	620		00	01	14
	615		00	10	65
	625		00	00	40
	626		00	05	96
	629		00	06	28
	630		00	01	35
	634		00	10	20
	643		00	03	65
	593		00	01	22
	592		00	08	71
	591		00	03	17
	645		00	00	60
	661		00	09	59

	590		00	09	81
	660		00	00	40
	662		00	02	64
	663		00	00	40
	573		00	00	40
	670		00	13	42
	671		00	02	64
	672		00	09	44
	673		00	05	82
	674		00	02	37
	675		00	01	70
	725		00	00	74
	676		00	01	74
	677		00	01	39
	678		00	00	40
	566		00	09	46
	561		00	02	56
	559		00	06	04
	399		00	07	29
	396		00	01	63
	395		00	02	55
	400		00	06	03
	394		00	00	95
	369		00	09	95
	371		00	04	51
	372		00	02	63
	334		00	08	57
	333		00	00	40
	332		00	02	50
	331		00	02	81
	329		00	06	22
	330		00	07	16
	327		00	03	85
	196		00	07	33
	147		00	03	08
	146		00	06	20
	145		00	05	90

	144		00	02	07
	150		00	09	76
	151		00	06	05
	152		00	00	56
	153		00	07	24
	154		00	09	80
	155		00	11	14
	156		00	00	40
	157		00	07	75
	158		00	08	51
	160		00	01	92
सुजापुर	15		00	04	72
थाना नं०-402	14		00	02	40

[फा. सं. आर-25011/21/2017-ओआर-I]

पवन कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 11th October, 2017

S.O. 2797.—Whereas it appears to the Central Government that it is necessary in the public interest that a pipeline should be laid by the Indian Oil Corporation Limited in Block-Bausi, District.-Banka in the State of Bihar for 'Proposed Augmentation of Paradip-Haldia-Durgapur LPG pipeline and its extension up to Patna and Muzaffarpur' for the transportation of LPG Product;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Jagdish Prasad Singh & Competent Authority, Indian Oil Corporation Limited. (Pipelines Division), Nishi Kunj, Basant Vihar Colony, Boring Road, Patna-800001 (Bihar)

SCHEDULE

Block-Bausi		Dist.-Banka		State-Bihar	
Mouja / Thana No.	Survey / Plot No.	Sub-Div.-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Nimko Kita Thana No. – 399	2		00	14	12
Bhaga	1087		00	52	05
Thana No. – 470	1084		00	01	83

	1085		00	00	40
	1083		00	06	78
	1082		00	15	54
	1173		00	01	77
	845		00	19	25
	1058		00	20	08
	1056		00	01	95
	1055		00	00	40
	1053		00	17	22
	1059		00	06	19
	1049		00	12	32
	1048		00	04	76
	1047		00	06	89
	1046		00	01	84
	1036		00	03	18
	1035		00	15	87
	791		00	03	37
	789		00	08	75
	794		00	03	40
	800		00	10	26
	801		00	11	54
	804		00	03	55
	812		00	02	44
	822		00	07	18
	829		00	12	00
	826		00	00	42
	828		00	00	48
	832		00	09	31
	833		00	00	40
	413		00	01	41
	416		00	06	51
	417		00	07	88
	421		00	05	35
	388		00	02	25
	386		00	02	12
	383		00	00	40
	484		00	01	16
	385		00	01	65

	423		00	01	39
	424		00	03	42
	425		00	02	59
	426		00	04	05
	427		00	03	55
	605		00	00	40
	428		00	08	93
	429		00	05	05
	434		00	05	53
	433		00	07	06
	430		00	00	40
	432		00	03	03
	437		00	01	97
	440		00	12	38
	450		00	08	58
	451		00	02	06
	455		00	05	94
	454		00	00	40
	456		00	01	51
	457		00	00	40
	496		00	01	70
	458		00	18	52
	455		00	00	82
	492		00	03	46
	487		00	00	92
	486		00	00	40
	479		00	03	98
	475		00	01	63
	480		00	04	21
	473		00	03	40
	482		00	08	14
	485		00	17	22
Gorhia Thana No. – 392	641		00	01	89
	632		00	06	89
	627		00	02	72
	626		00	15	88
	616		00	00	70
	620		00	05	76

	604		00	14	28
	605		00	00	50
	601		00	03	74
	602		00	05	00
	603		00	00	59
	572		00	05	97
	571		00	04	69
	573		00	02	85
	553		00	00	74
	568		00	07	40
	513		00	03	70
	512		00	01	09
	518		00	04	82
	514		00	00	40
	519		00	11	90
	516		00	00	43
	528		00	02	18
	529		00	04	82
	643		00	05	41
	540		00	00	40
	541		00	00	96
	461		00	00	40
	526		00	05	41
	500		00	04	93
	497		00	05	01
	494		00	00	33
	496		00	00	40
	495		00	11	95
	483		00	01	97
	400		00	02	91
	187		00	02	03
	358		00	25	72
	369		00	05	21
	368		00	03	21
	356		00	12	51
	370		00	13	50
	375		00	05	24
	376		00	03	21

	377		00	07	45
	378		00	01	96
	379		00	00	62
	380		00	01	67
	374		00	00	40
	381		00	09	59
	383		00	10	61
	356		00	03	79
	330		00	04	83
	331		00	06	40
	329		00	01	25
	328		00	18	68
	642		00	08	51
Domohan Kita Thana No. – 398	14		00	01	20
	15		00	05	52
	16		00	01	50
	17		00	02	02
	18		00	01	65
	19		00	00	40
	22		00	05	50
	23		00	02	42
	24		00	00	77
	28		00	00	83
	29		00	02	29
	30		00	01	89
	31		00	05	26
	32		00	05	29
	33		00	01	14
	110		00	02	09
	117		00	07	43
Sirai Thana No. – 391	784		00	02	93
	785		00	00	40
	786		00	02	08
	787		00	11	18
	791		00	00	79
	792		00	01	82
	793		00	07	60
	794		00	00	60

	1189		00	03	25
	1190		00	09	35
	1191		00	01	80
	1183		00	01	88
	1176		00	00	57
	1177		00	14	14
	1178		00	12	04
	1179		00	00	40
	1181		00	01	28
	1152		00	04	01
	1150		00	13	01
	1148		00	10	04
	1147		00	05	20
	874		00	00	40
	945		00	23	21
	950		00	02	31
	951		00	00	27
	949		00	05	17
	948		00	03	04
	947		00	01	83
	946		00	01	08
	977		00	02	64
	978		00	01	86
	979		00	01	57
	976		00	06	03
	974		00	03	73
	980		00	39	72
	1125		00	14	11
	1118		00	24	12
	1237		00	04	20
	1600		00	15	54
	1586		00	06	43
	1587		00	16	81
	1550		00	07	93
	1548		00	03	53
	1551		00	03	59
	1627		00	13	32
	1629		00	05	97

	1630		00	11	80
	1637		00	02	55
	1636		00	08	09
	1638		00	00	40
	1640		00	10	46
	1645		00	02	14
	1642		00	02	27
	1653		00	01	68
	1795		00	18	03
	1794		00	07	89
	1793		00	15	05
	1796		00	01	00
Rani Thana No. – 390	152		00	11	29
	149		00	06	00
	148		00	08	20
	144		00	03	21
	145		00	03	70
	140		00	06	45
	139		00	04	21
	123		00	00	40
	124		00	00	63
	136		00	03	83
	125		00	03	96
	121		00	01	61
	179		00	11	08
	184		00	01	66
	332		00	02	44
	333		00	03	52
	335		00	04	18
	334		00	01	11
	330		00	03	90
	336		00	05	52
	337		00	06	18
	328		00	02	81
	354		00	03	92
	355		00	10	27
	359		00	02	56
	360		00	00	77

	356		00	05	41
	357		00	04	11
	372		00	02	14
	373		00	04	54
	371		00	07	87
	381		00	09	08
	382		00	05	48
	384		00	10	54
	385		00	11	19
Sukhia Barait Thana No. – 469	911		00	22	90
	912		00	02	41
	916		00	05	39
	917		00	05	63
	918		00	00	67
	921		00	02	84
	926		00	04	35
	1109		00	13	81
	1112		00	00	52
	1113		00	21	50
	1115		00	03	70
	1116		00	03	13
	1119		00	00	40
	932		00	09	26
	930		00	00	98
	931		00	00	40
	929		00	10	66
	933		00	04	97
	939		00	00	83
	942		00	10	56
	941		00	01	69
	910		00	03	33
	943		00	03	65
	947		00	02	70
	949		00	10	96
	950		00	00	57
	967		00	13	42
	956		00	00	40
	957		00	00	40

	965		00	00	74
	964		00	01	40
	963		00	02	90
	962		00	04	36
	961		00	00	45
	960		00	02	91
	976		00	00	41
	977		00	13	53
	978		00	04	25
	1021		00	04	02
	1016		00	00	41
	1022		00	07	87
	1015		00	00	40
	1014		00	04	11
	1013		00	11	37
	1012		00	00	40
	999		00	01	65
	1000		00	03	55
	830		00	00	74
	829		00	03	50
	828		00	05	85
	827		00	10	75
	826		00	02	80
	823		00	07	03
	2908		00	00	40
	785		00	12	18
	786		00	02	00
	675		00	09	04
	672		00	00	57
	673		00	18	74
	678		00	16	14
	679		00	40	06
	680		00	06	73
	471		00	24	80
	468		00	02	57
	470		00	01	44
	467		00	06	84
	465		00	07	78

	466		00	02	06
	460		00	10	08
	462		00	02	78
	458		00	05	04
	457		00	15	06
	456		00	00	40
	274		00	06	43
	275		00	00	40
	295		00	23	45
	293		00	07	32
	288		00	00	40
	292		00	18	08
	291		00	01	00
	376		00	02	18
	403		00	06	14
	401		00	04	57
	400		00	00	40
	397		00	13	08
	415		00	08	62
	416		00	08	56
	959		00	14	71
	402		00	00	40
Sikandarpur Thana No. – 438	1857		00	08	58
	1855		00	01	40
	1853		00	33	79
	1851		00	03	34
	1846		00	07	38
	1844		00	02	14
	1843		00	04	37
	1816		00	07	19
	1835		00	09	71
	1667		00	05	03
	1668		00	05	49
	1669		00	05	01
	1671		00	03	99
	1687		00	06	86
	1675		00	00	74
	1685		00	02	91

	1688		00	01	63
	1686		00	01	88
	1689		00	08	69
	1693		00	04	47
	1694		00	05	30
	1697		00	06	13
	1699		00	14	28
	1719		00	09	65
	1724		00	01	58
	1733		00	08	67
	1732		00	11	23
	1734		00	14	54
	1730		00	06	10
	1729		00	04	37
	1728		00	07	93
	AA		00	15	82
	1629		00	11	17
	1854		00	00	40
Barhampura Thana No. – 389	129		00	04	08
	128		00	09	58
	127		00	05	30
	119		00	02	67
	126		00	02	42
	116		00	03	12
	115		00	04	35
	114		00	14	13
	113		00	08	06
	190		00	00	66
	108		00	50	12
	107		00	03	88
	106		00	03	44
	104		00	02	14
	103		00	05	92
	195		00	00	40
	191		00	02	12
	105		00	01	04
	106		00	01	06
	116		00	03	12

	102		00	05	94
	101		00	02	23
Bishunpura Thana No. – 388	88		00	06	40
	87		00	07	94
	107		00	04	81
	108		00	02	24
	109		00	05	00
	110		00	03	02
	111		00	06	57
	115		00	06	39
	116		00	01	13
	119		00	13	32
	118		00	00	60
	36		00	20	90
	35		00	00	50
	31		00	00	64
	30		00	00	98
	29		00	00	72
	5		00	15	57
	4		00	03	59
	1		00	29	39
	146		00	03	66
	102		00	13	78
	127		00	12	97
	6		00	01	28
Gokula Tola Thana No. – 471	River		00	01	54
	930		00	18	99
	928		00	17	67
	891		00	02	22
	892		00	00	40
	894		00	21	07
	895		00	01	23
	899		00	09	50
	883		00	08	00
	834		00	19	25
	875		00	21	72
	872		00	05	16
	871		00	01	55

	870		00	13	04
	864		00	03	84
	499		00	08	81
	500		00	09	86
	498		00	02	05
	496		00	12	24
	482		00	08	41
	476		00	04	09
	477		00	00	40
	479		00	08	10
	481		00	04	18
	AA		00	06	48
	538		00	05	27
	108		00	00	84
	109		00	05	24
	107		00	03	57
	106		00	01	17
	104		00	36	83
	87		00	01	51
	92		00	00	00
	88		00	09	83
	91		00	01	01
	95		00	12	59
	96		00	01	10
Saruwa Thana No. – 467	Road		00	05	98
	2222		00	00	59
	2220		00	05	09
	2219		00	35	59
	2211		00	33	08
	Road		00	01	29
Kairi Thana No. – 447	4939		00	10	17
	282		00	00	40
	281		00	07	05
	278		00	01	43
	280		00	07	99
	270		00	06	54
	269		00	02	49
	268		00	01	37

	267		00	01	10
	266		00	09	96
	263		00	28	20
	Road		00	04	94
	242		00	17	26
	261		00	03	53
	161		00	22	70
	162		00	05	29
	159		00	06	49
	158		00	07	27
	157		00	06	11
	156		00	02	15
	155		00	02	89
	151		00	13	89
	150		00	04	17
Dahua Thana No. – 440	1768		00	10	23
	1779		00	01	42
	1767		00	30	38
	1622		00	48	79
	1621		00	33	78
	1620		00	04	27
	1618		00	09	89
	1617		00	10	10
	1616		00	01	06
	1615		00	01	54
	1602		00	24	74
	1601		00	02	297
	1603		00	25	18
	1604		00	00	74
	1598		00	05	30
	1596		00	07	20
	1595		00	01	38
	1594		00	12	21
	1444		00	06	46
	1443		00	08	38
	1447		00	01	31
	1441		00	05	91
	1440		00	03	09

	1453		00	08	82
	1438		00	06	24
	1437		00	13	14
	1371		00	04	63
	1411		00	05	42
	1434		00	00	94
	1413		00	10	51
	1414		00	00	40
	1422		00	02	57
	1425		00	22	21
	1424		00	01	71
	1426		00	11	16
	1427		00	05	37
	1428		00	01	20
	1431		00	06	24
	953		00	02	98
	951		00	06	81
	948		00	06	04
	949		00	03	36
	954		00	08	09
	621		00	21	49
	620		00	01	14
	615		00	10	65
	625		00	00	40
	626		00	05	96
	629		00	06	28
	630		00	01	35
	634		00	10	20
	643		00	03	65
	593		00	01	22
	592		00	08	71
	591		00	03	17
	645		00	00	60
	661		00	09	59
	590		00	09	81
	660		00	00	40
	662		00	02	64
	663		00	00	40

	573		00	00	40
	670		00	13	42
	671		00	02	64
	672		00	09	44
	673		00	05	82
	674		00	02	37
	675		00	01	70
	725		00	00	74
	676		00	01	74
	677		00	01	39
	678		00	00	40
	566		00	09	46
	561		00	02	56
	559		00	06	04
	399		00	07	29
	396		00	01	63
	395		00	02	55
	400		00	06	03
	394		00	00	95
	369		00	09	95
	371		00	04	51
	372		00	02	63
	334		00	08	57
	333		00	00	40
	332		00	02	50
	331		00	02	81
	329		00	06	22
	330		00	07	16
	327		00	03	85
	196		00	07	33
	147		00	03	08
	146		00	06	20
	145		00	05	90
	144		00	02	07
	150		00	09	76
	151		00	06	05
	152		00	00	56
	153		00	07	24

	154		00	09	80
	155		00	11	14
	156		00	00	40
	157		00	07	75
	158		00	08	51
	160		00	01	92
Sujapur	15		00	04	72
Thana no. – 402	14		00	02	40

[F. No. R-25011/21/2017-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2798.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि पारादीप हल्दीया-दुर्गापुर पाइपलाइन संबद्धन परियोजना अन्तर्गत पेट्रोलियम पदार्थों के परिवहन हेतु अंचल-बंका, जिला-बंका, राज्य-बिहार में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन बिछाए जाने हेतु उपयोग के अधिकार के अर्जन के लिए, श्री जगदीश प्रसाद सिंह व सक्षम प्राधिकारी इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइन्स डिवीजन) पटना, निषि कुंज, बसंत विहार कॉलोनी, बोरिंग रोड, पटना, पिन: 800001, बिहार को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

अंचल-बाका		जिला-बांका		राज्य-बिहार	
मौजा / थाना नं.	सर्वे / प्लॉट सं.	सब-डीव-सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5	6
ढाका थाना नं.- 51	879		00	03	57
	863		00	02	08
	866		00	03	34
	862		00	26	15
	859		00	00	40
	860		00	21	68
	858		00	02	52

	857		00	00	64
	856		00	01	75
	855		00	03	40
	854		00	04	11
	853		00	04	55
	852		00	03	60
	851		00	03	14
	850		00	02	56
	692		00	07	22
	691		00	00	50
	698		00	11	75
	699		00	00	84
	697		00	03	99
	720		00	16	19
	721		00	03	85
	719		00	02	83
	718		00	02	48
	722		00	07	43
	756		00	03	08
	592		00	16	58
	599		00	02	37
	588		00	12	83
	587		00	10	62
	586		00	03	94
	584		00	00	85
	478		00	01	04
	476		00	02	79
	479		00	01	22
	518		00	03	30
	519		00	00	78
	517		00	01	55

	514		00	00	40
	512		00	00	74
	53		00	02	64
	54		00	06	80
	52		00	00	51
	51		00	00	40
	49		00	04	93
	48		00	04	59
	47		00	04	54
	46		00	01	67
	43		00	04	76
	40		00	07	63
	41		00	08	67
	42		00	10	22
	38		00	40	11
	35		00	07	82
	7		00	16	72

[फा. सं. आर-25011/21/2017-ओआर-1]

पवन कुमार, अवसर सचिव

New Delhi, the 11th October, 2017

S.O. 2798.—Whereas it appears to the Central Government that it is necessary in the public interest that a pipeline should be laid by the Indian Oil Corporation Limited in Block-Banka, District.-Banka in the State of Bihar for 'Proposed Augmentation of Paradip-Haldia-Durgapur LPG pipeline and its extension up to Patna and Muzaffarpur' for the transportation of LPG Product;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Jagdish Prasad Singh & Competent Authority, Indian Oil Corporation Limited (Pipelines Division), Nishi Kunj, Basant Vihar Colony, Boring Road, Patna-800001 (Bihar).

SCHEDULE

Block-Banka		Dist.-Banka		State.-Bihar	
Mouja / Thana No.	Survey / Plot No.	Sub-Div.-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Dhaka Thana No. – 51	879		00	03	57
	863		00	02	08
	866		00	03	34
	862		00	26	15
	859		00	00	40
	860		00	21	68
	858		00	02	52
	857		00	00	64
	856		00	01	75
	855		00	03	40
	854		00	04	11
	853		00	04	55
	852		00	03	60
	851		00	03	14
	850		00	02	56
	692		00	07	22
	691		00	00	50
	698		00	11	75
	699		00	00	84
	697		00	03	99
	720		00	16	19
	721		00	03	85
	719		00	02	83
	718		00	02	48
	722		00	07	43
	756		00	03	08
	592		00	16	58
	599		00	02	37
	588		00	12	83
	587		00	10	62
	586		00	03	94
	584		00	00	85
	478		00	01	04
	476		00	02	79

479		00	01	22
518		00	03	30
519		00	00	78
517		00	01	55
514		00	00	40
512		00	00	74
53		00	02	64
54		00	06	80
52		00	00	51
51		00	00	40
49		00	04	93
48		00	04	59
47		00	04	54
46		00	01	67
43		00	04	76
40		00	07	63
41		00	08	67
42		00	10	22
38		00	40	11
35		00	07	82
7		00	16	72

[F. No. R-25011/21/2017-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 11 अक्टूबर, 2017

का.आ. 2799.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि पारादीप हल्दीया-दुर्गापुर पाइपलाइन संबर्द्धन परियोजना अन्तर्गत पेट्रोलियम पदार्थों के परिवहन हेतु अंचल-बरहट, जिला-बंका, राज्य-बिहार में इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आषय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन बिछाए जाने हेतु उपयोग के अधिकार के अर्जन के लिए, श्री जगदीष प्रसाद सिंह व सक्षम प्राधिकारी इंडियन ऑयल कॉर्पोरेशन लिमिटेड, (पाइपलाइन्स डिवीजन) पटना, निषि कुंज, बसंत विहार कॉलोनी, बोरिंग रोड, पटना, पिन: 800001, बिहार को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

अंचल—बरहट		जिला—बांका		राज्य—बिहार	
मौजा / थाना नं.	सर्वे / प्लॉट सं.	सब—डीव—सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5	6
बलारपुर थाना नं.—115	31		00	20	35
	30		00	01	62
	13		00	08	63
	14		00	11	21
	15		00	35	76
	16		00	25	49
	19		00	14	03
सोनडीहा थाना नं.—118	3241		00	01	14
	3243		00	19	21
	3239		00	03	49
	3235		00	04	24
	3234		00	01	65
	3265		00	15	26
	3264		00	07	10
	3271		00	17	56
	3268		00	00	74
	3286		00	19	18
	3288		00	03	79
	3293		00	03	23
	3281		00	03	50
	3299		00	10	97
	3300		00	05	72
	3301		00	06	73
	3302		00	09	73
	3211		00	01	14
	3315		00	09	97
	3314		00	06	56
	3313		00	06	90
	एएए		00	16	77
	6		00	01	45
	3155		00	07	11

	3154		00	02	84
	3153		00	01	73
	3157		00	09	34
	3156		00	07	83
	3158		00	03	82
	3135		00	06	24
	2014		00	00	64
	2015		00	00	98
	2013		00	09	80
	2009		00	00	70
	2010		00	09	41
	2011		00	00	47
	2008		00	02	32
	2004		00	09	49
	2005		00	03	74
	1999		00	14	13
	3370		00	02	77
	1994		00	03	74
	1993		00	18	09
	1992		00	10	87
	1991		00	14	29
	2046		00	00	64
	2048		00	15	15
	2050		00	09	47
	2054		00	16	84
	2052		00	01	25
	2061		00	07	75
	2054		00	00	69
	2053		00	02	91
	2061		00	07	75
	2059		00	04	26
	2055		00	01	33
	2057		00	04	53
	2058		00	00	45
	2056		00	00	69
	1957		00	07	16

	1956		00	04	43
	1940		00	08	05
	1941		00	03	33
	1939		00	09	21
	1649		00	01	61
	1677		00	06	48
	1678		00	02	49
	1679		00	01	61
	1680		00	02	60
	1682		00	02	72
	1615		00	06	51
	1681		00	01	54
	1694		00	00	40
	1696		00	01	41
	1670		00	04	50
	1617		00	05	37
	1611		00	03	25
	2908		00	00	45
	1698		00	07	03
	3		00	02	22
	1904		00	00	72
	एएए		00	00	33
	1705		00	06	13
	1900		00	00	91
	1730		00	01	47
	1729		00	02	39
	1728		00	02	18
	1727		00	02	91
	1726		00	09	78
	एएए		00	01	39
	1725		00	11	01
	1731		00	01	50
	1718		00	12	12
औरिआ थाना नं.-385	1105		00	08	84
	1996		00	23	44
	1995		00	07	94

	1998		00	03	63
	1994		00	06	27
	1993		00	05	98
	1992		00	11	75
	1991		00	00	40
	2001		00	01	12
	2002		00	14	37
	2003		00	03	03
	2004		00	03	49
	2005		00	12	56
	2011		00	13	50
	2012		00	01	05
	2076		00	11	55
	2078		00	08	90
	2075		00	08	28
	2095		00	09	76
	2096		00	11	47
	2159		00	01	24
	2158		00	00	40
	2140		00	02	73
	2138		00	12	08
	2139		00	01	86
	2131		00	01	34
	2127		00	28	20
	2146		00	01	15
	2128		00	00	53
	2123		00	02	70
	2124		00	07	27
	2125		00	04	45
	2126		00	00	68
	1710		00	00	40
	1709		00	05	01
	1606		00	13	24
	1605		00	08	15
	1612		00	07	55
	1613		00	05	51

औरिआ थाना नं.—385	1614		00	02	85
	1615		00	14	89
	1619		00	07	30
	1618		00	05	16
	1634		00	07	80
	1633		00	02	73
	1636		00	17	11
	1639		00	00	40
	1638		00	06	21
	1637		00	00	93
	1311		00	08	75
	1312		00	02	45
	1310		00	01	24
	1309		00	03	09
	1308		00	02	64
	1302		00	02	55
	1304		00	02	16
	1303		00	24	48
	953		00	02	08
	952		00	03	68
	930		00	01	10
	931		00	01	37
	932		00	06	90
	1024		00	01	73
	569		00	01	60
	570		00	01	71
	568		00	14	15
	561		00	02	45
	562		00	11	52
	563		00	07	65
	565		00	09	22
	528		00	05	23
	541		00	10	08
	533		00	07	32
	534		00	07	88
	535		00	01	20

	522		00	00	93
	405		00	02	95
	403		00	01	21
	404		00	07	00
	401		00	07	33
	399		00	02	76
	398		00	03	70
	397		00	02	17
	395		00	00	48
	221		00	00	40
	223		00	00	40
	225		00	08	57
	346		00	03	15
	345		00	05	61
	344		00	03	17
	343		00	04	89
	342		00	03	29
	341		00	05	01
	340		00	10	79
	339		00	03	13
	232		00	01	06
	338		00	11	50
	337		00	05	87
	336		00	00	40
	331		00	00	40
	335		00	07	04
	332		00	02	16
	320		00	04	30
	318		00	00	40
	328		00	00	40
	317		00	00	78
	321		00	30	35
	316		00	02	29
	312		00	02	15
	322		00	00	52
	299		00	07	01

	298		00	03	52
	297		00	14	12
	300		00	01	31
	296		00	03	15
	295		00	00	87
	273		00	00	40
	274		00	08	38
	275		00	00	77
	278		00	17	58
	271		00	26	21
	268		00	07	81
	266		00	10	32
	259		00	07	75
	260		00	07	81
	262		00	00	40
डफरापुर थाना नं.—119	56		00	01	17
	54		00	12	80
	53		00	06	20
	61		00	01	70
	62		00	07	24
	63		00	09	38
	64		00	07	48

[फा. सं. आर-25011/21/2017-ओआर-1]

पवन कुमार, अवर सचिव

New Delhi, the 11th October, 2017

S.O. 2799.—Whereas it appears to the Central Government that it is necessary in the public interest that a pipeline should be laid by the Indian Oil Corporation Limited in Block-Barhat, District-Banka in the State of Bihar for 'Proposed Augmentation of Paradip-Haldia-Durgapur LPG pipeline and its extension upto Patna and Muzaffarpur' for the transportation of LPG Product;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Jagdish Prasad Singh & Competent Authority, Indian Oil Corporation Limited. (Pipelines Division), Nishi Kunj, Basant Vihar Colony, Boring Road, Patna-800001 (Bihar)

SCHEDULE

Block-Barhat		Dist.-Banka		State-Bihar	
Mouja / Thana No.	Survey / Plot No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Balarpur Thana No. - 115	31		00	20	35
	30		00	01	62
	13		00	08	63
	14		00	11	21
	15		00	35	76
	16		00	25	49
	19		00	14	03
Sondiha Thana No. -118	3241		00	01	14
	3243		00	19	21
	3239		00	03	49
	3235		00	04	24
	3234		00	01	65
	3265		00	15	26
	3264		00	07	10
	3271		00	17	56
	3268		00	00	74
	3286		00	19	18
	3288		00	03	79
	3293		00	03	23
	3281		00	03	50
	3299		00	10	97
	3300		00	05	72
	3301		00	06	73
	3302		00	09	73
	3211		00	01	14
	3315		00	09	97
	3314		00	06	56
	3313		00	06	90
	AAA		00	16	77
	6		00	01	45
	3155		00	07	11
	3154		00	02	84
	3153		00	01	73
	3157		00	09	34

	3156		00	07	83
	3158		00	03	82
	3135		00	06	24
	2014		00	00	64
	2015		00	00	98
	2013		00	09	80
	2009		00	00	70
	2010		00	09	41
	2011		00	00	47
	2008		00	02	32
	2004		00	09	49
	2005		00	03	74
	1999		00	14	13
	3370		00	02	77
	1994		00	03	74
	1993		00	18	09
	1992		00	10	87
	1991		00	14	29
	2046		00	00	64
	2048		00	15	15
	2050		00	09	47
	2054		00	16	84
	2052		00	01	25
	1961		00	00	75
	2054		00	00	69
	2053		00	02	91
	2061		00	07	75
	2059		00	04	26
	2055		00	01	33
	2057		00	04	53
	2058		00	00	45
	2056		00	00	69
	1957		00	07	16
	1956		00	04	43
	1940		00	08	05
	1941		00	03	33
	1939		00	09	21
	1649		00	01	61
	1677		00	06	48

	1678		00	02	49
	1679		00	01	61
	1680		00	02	60
	1682		00	02	72
	1615		00	06	51
	1681		00	01	54
	1694		00	00	40
	1696		00	01	41
	1670		00	04	50
	1617		00	05	37
	1611		00	03	25
	2908		00	00	45
	1698		00	07	03
	3		00	02	22
	1904		00	00	72
	AA		00	00	33
	1705		00	06	13
	1900		00	00	91
	1730		00	01	47
	1729		00	02	39
	1728		00	02	18
	1727		00	02	91
	1726		00	09	78
	AA		00	01	39
	1725		00	11	01
	1731		00	01	50
	1718		00	12	12
Auria Thana No. -385	1105		00	08	84
	1996		00	23	44
	1995		00	07	94
	1998		00	03	63
	1994		00	06	27
	1993		00	05	98
	1992		00	11	75
	1991		00	00	40
	2001		00	01	12
	2002		00	14	37
	2003		00	03	03
	2004		00	03	49

	2005		00	12	56
	2011		00	13	50
	2012		00	01	05
	2076		00	11	55
	2078		00	08	90
	2075		00	08	28
	2095		00	09	76
	2096		00	11	47
	2159		00	01	24
	2158		00	00	40
	2140		00	02	73
	2138		00	12	08
	2139		00	01	86
	2131		00	01	34
	2127		00	28	20
	2146		00	01	15
	2128		00	00	53
	2123		00	02	70
	2124		00	07	27
	2125		00	04	45
	2126		00	00	68
	1710		00	00	40
	1709		00	05	01
	1606		00	13	24
	1605		00	08	15
	1612		00	07	55
	1613		00	05	51
	1614		00	02	85
	1615		00	14	89
	1619		00	07	30
	1618		00	05	16
	1634		00	07	80
	1633		00	02	73
	1636		00	17	11
	1639		00	00	40
	1638		00	06	21
	1637		00	00	93
	1311		00	08	75
	1312		00	02	45

	1310		00	01	24
	1309		00	03	09
	1308		00	02	64
	1302		00	02	55
	1304		00	02	16
	1303		00	24	48
	953		00	02	08
	952		00	03	68
	930		00	01	10
	931		00	01	37
	932		00	06	90
	1024		00	01	73
	569		00	01	60
	570		00	01	71
	568		00	14	15
	561		00	02	45
	562		00	11	52
	563		00	07	65
	565		00	09	22
	528		00	05	23
	541		00	10	08
	533		00	07	32
	534		00	07	88
	535		00	01	20
	522		00	00	93
	405		00	02	95
	403		00	01	21
	404		00	07	00
	401		00	07	33
	399		00	02	76
	398		00	03	70
	397		00	02	17
	395		00	00	48
	221		00	00	40
	223		00	00	40
	225		00	08	57
	346		00	03	15
	345		00	05	61
	344		00	03	17

	343		00	04	89
	342		00	03	29
	341		00	05	01
	340		00	10	79
	339		00	03	13
	232		00	01	06
	338		00	11	50
	337		00	05	87
	336		00	00	40
	331		00	00	40
	335		00	07	04
	332		00	02	16
	320		00	04	30
	318		00	00	40
	328		00	00	40
	317		00	00	78
	321		00	30	35
	316		00	02	29
	312		00	02	15
	322		00	00	52
	299		00	07	01
	298		00	03	52
	297		00	14	12
	300		00	01	31
	296		00	03	15
	295		00	00	87
	273		00	00	40
	274		00	08	38
	275		00	00	77
	278		00	17	58
	271		00	26	21
	268		00	07	81
	266		00	10	32
	259		00	07	75
	260		00	07	81
	262		00	00	40
Dafarpur Thana No. - 119	56		00	01	17
	54		00	12	80
	53		00	06	20

	61		00	01	70
	62		00	07	24
	63		00	09	38
	64		00	07	48

[F. No. R-25011/21/2017-OR-I]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2017

का.आ. 2800.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना जिसका प्रकाशन भारत के राजपत्र संख्या 27 दिनांक 08.07.2017 का. आ. संख्या 1582 दिनांक 22.06.2017, भाग II, खण्ड 3, उप-खण्ड (ii) तथा राजपत्र संख्या 34 दिनांक 26.08.2017 का. आ. संख्या 1960 दिनांक 21.08.2017, भाग II, खण्ड 3, उप-खण्ड (ii) में किया गया है। इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट हिमाचल राज्य की तहसील उना तथा हरोली, जिला उना की भूमि में, पंजाब राज्य में गाँव : झुगियां : जिला शहीद भगत सिंह नगर से हिमाचल प्रदेश के गाँव : पेखुबेला, जिला उना तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑइल कार्पोरेशन लिमिटेड द्वारा उना ब्रांच पाइपलाइन – पीएजेपीएल परियोजना के सम्बंध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचनाओं की प्रतियाँ जनता को तारीख 17.10.2017 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों से मुक्त होकर इंडियन ऑइल कार्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑइल कार्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला: उना				राज्य : हिमाचल प्रदेश			
क्र.सं.	तहसील का नाम	गाँव का नाम	हदबस्त नं.	मुरब्बा/किला तथा खसरा सं.	क्षेत्रफल		
					हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	हरोली	बाथडी	476	1306 रास्ता	00	00	32
				997 रास्ता	00	00	50

				1300	00	08	33
				1301	00	00	20
				998	00	14	58
				1279	00	12	67
				1280	00	02	93
				1037	00	18	76
				1036	00	00	58
				1038	00	06	35
				1039	00	03	70
				1040	00	01	25
				1043	00	11	60
				1061	00	10	68
				1073	00	01	91
				1071	00	05	30
				1072	00	04	31
				1070	00	00	20
				1069	00	00	72
				1068	00	00	20
				1076	00	09	13
				1077	00	01	03
				1135	00	00	55
				1133	00	06	35
				1134	00	07	26
				1121	00	04	10
				1120	00	09	99
				1117	00	04	22
				1116	00	07	95
				930 रास्ता	00	00	79
				929	00	05	36

				928	00	02	51
				927	00	01	52
				60	00	00	18
				61	00	00	42
				62	00	04	00
				79	00	00	24
				80	00	02	67
				81	00	02	23
				82	00	10	25
				104	00	02	62
				103	00	03	24
				102	00	00	77
				101	00	07	15
				100	00	00	93
				116	00	10	23
				122	00	05	12
				136	00	00	16
				125	00	04	81
				124	00	00	20
				127	00	02	90
				133	00	00	96
				134	00	01	74
				132	00	11	71
				148	00	00	20
				301 रास्ता	00	00	57
				25	00	00	17
				302	00	57	56
				1126	00	01	08
				1127	00	00	90

				1125/4	00	01	10
				1125/3	00	01	20
				1125/2	00	01	45
				1125/1	00	03	10
				1124/1	00	00	60
2	हरोली	केलुवा		3132	00	03	98
				3130	00	01	94
				3128	00	05	58
				3127	00	04	66
				3039	00	01	81
				3043	00	09	50
				3041	00	00	97
				3042	00	07	49
				3060	00	01	59
				3055	00	02	40
				3059	00	06	73
				3097	00	04	40
				3092	00	04	02
				3091	00	01	66
				3093	00	02	81
				3090	00	01	54
				3088	00	06	12
				3089	00	00	20
				3085	00	03	95
				3084	00	04	82
				3083	00	14	46
				2920	00	01	34
				2919	00	03	68
				2931	00	02	95

				2933	00	01	58
				2934	00	02	54
				2917	00	01	30
				2935	00	01	09
				2916	00	02	40
				2936	00	01	30
				2940	00	01	39
				2947	00	00	83
				2946	00	00	26
				2948	00	12	55
				2950	00	00	94
				2952	00	05	93
				2953	00	04	61
				2954	00	03	08
				2643	00	00	20
				2645	00	01	69
				2646	00	12	28
				2651	00	03	03
				3302/3	00	00	20
				3302/1	00	05	50
				3131	00	24	66
				2652	00	01	56
3	हरोली	बाथू	475	1892	00	00	20
				1895	00	00	57
				1895/1	00	01	66
				1894	00	00	20
				1897	00	11	50
				1898	00	00	28
				1901	00	06	11

				1901/1	00	00	20
				1911	00	03	53
				1910	00	03	79
				1909	00	00	77
				1912	00	06	28
				1908	00	03	51
				1860	00	01	28
				1861	00	01	73
				1867	00	04	43
				1865	00	02	78
				1862	00	00	20
				1864	00	01	82
				1854	00	04	14
				1855	00	07	37
				1824	00	05	52
				1990	00	00	25
				1822	00	02	37
				1823	00	02	03
				1819	00	01	73
				1821	00	06	02
				1817 रास्ता	00	00	73
				1801 रास्ता	00	00	38
				1810	00	00	96
				1809	00	01	93
				1808	00	04	36
				1807	00	04	36
				1560	00	04	13
				1559	00	03	15
				1553	00	01	03

				1563	00	03	03
				1562	00	02	63
				1564	00	00	37
				1566	00	08	54
				1567	00	06	22
				1590	00	00	51
				1586	00	05	69
				1581	00	10	89
				1582	00	02	13
				1579	00	04	11
				1502	00	19	59
				1499	00	11	43
				1497	00	03	96
				1498	00	04	93
				1493	00	07	35
				1666	00	02	27
				1667	00	02	38
				1668	00	03	25
				1669	00	01	43
				1485	00	00	31
				1670	00	03	18
				1671	00	03	82
				1672	00	01	62
				1673	00	00	20
				1676	00	01	41
				1677	00	00	87
				1679	00	00	28
				1680	00	00	58
				1681	00	06	23

				1684/1	00	03	16
4	हरोली	बटखुर्द	474	1376	00	00	82
				1377	00	02	78
				1384	00	04	01
				1385	00	00	20
				1396	00	09	88
				1395	00	00	20
				1397	00	01	53
				1442	00	00	52
				1404	00	02	91
				1405	00	01	96
				1406	00	02	05
				1403	00	00	20
				1407	00	00	20
				1408	00	00	20
				1409	00	02	15
				1412	00	00	67
				1411	00	01	01
				1410	00	00	66
				1441	00	02	41
				1440	00	03	20
				1439	00	02	66
				1438	00	00	20
				1437	00	00	20
				1456	00	00	20
				1457	00	05	05
				1454	00	02	92
				1468	00	01	03
				1467	00	00	61

				1466	00	00	89
				1469	00	03	24
				1465	00	00	70
				1470	00	02	19
				1471	00	00	20
				1482	00	01	82
				1481	00	02	47
				1486	00	01	97
				1503	00	06	56
				1490	00	00	20
				1504	00	00	77
				1510	00	01	59
				1509	00	00	92
				1508	00	01	46
				1505	00	00	34
				1507	00	02	51
				1313	00	02	96
				1314	00	02	48
				1318	00	01	68
				1317	00	01	47
				1320	00	01	27
				1321	00	01	40
				1323	00	03	71
				1324	00	00	20
				1288	00	01	29
				1293	00	01	27
				1290	00	00	56
				1289	00	01	48
				1286	00	00	20

				1287	00	00	29
				1291 रास्ता	00	00	44
				1292 रास्ता	00	00	20
				1262	00	02	01
				1261	00	00	39
				1250	00	00	20
				1249	00	02	59
				1246	00	03	39
				1243	00	00	20
				1242/1	00	00	75
				1242	00	01	04
				1241	00	00	80
				1239	00	02	100
				1236	00	00	82
				1238	00	01	02
				1237	00	00	83
				1232	00	02	16
				1231	00	01	25
				1230	00	01	11
				2174/1688	00	00	61
				2173/1688	00	00	37
				2172/1688	00	00	99
				1682	00	00	98
				1690	00	04	47
				1691	00	03	39
				1692	00	01	51
				1696	00	01	85
				1718	00	02	42
				1719	00	00	28

				1697	00	00	20
				1710	00	04	08
				1717	00	00	20
				1707	00	00	20
				1708	00	01	30
				1709	00	01	95
				1711	00	01	18
5	हरोली	बट कला	473	678 // 21/3	00	05	61
				678 // 21/4	00	02	81
				678 // 20/2	00	06	02
				678 // 20/1	00	03	25
				678 // 11/2	00	07	76
				678 // 11/1	00	02	65
				678 // 10/1	00	01	35
				682 रास्ता	00	00	60
				678 // 10/2/2	00	02	10
				678 // 10/2/1	00	03	21
				678 // 1/2	00	00	56
				679 // 6/4/1	00	00	65
				679 // 6/3	00	01	88
				679 // 6/1	00	00	50
				679 // 5/2	00	05	84
				679 // 5/1	00	00	20
				669 // 25/3	00	01	50
				669 // 25/2	00	07	85
				669 // 25/1	00	00	45
				669 // 16/1	00	09	67
				669 // 15/2	00	01	39
				669 // 17/1	00	00	72

				679 // 5/3/1	00	03	08
6	हरोली	टहलीवाल निचला	472	154	00	00	98
				168	00	00	90
				169	00	13	73
				171	00	12	46
				175	00	00	20
				185	00	00	57
				189	00	18	76
				201 नाला	00	01	13
				223	00	03	91
				222	00	01	44
				221	00	00	84
				224	00	00	20
				226	00	03	70
				226/1	00	05	01
				227	00	14	93
				388	00	00	27
				228 रास्ता	00	00	74
				369	00	00	20
				253	00	03	65
				312 रास्ता	00	01	92
				363	00	01	57
				254	00	00	69
				255	00	00	20
				362	00	11	74
				360	00	20	17
				317	00	20	09
				318	00	13	14
				316	00	02	05

				315	00	03	15
				319	00	00	33
				313	00	00	50
				621/314	00	03	33
				620/314	00	03	15
7	हरोली	टहलीवाल उपरला	472	479	00	01	45
				478	00	01	88
				477 रास्ता	00	01	08
				470	00	10	22
				475	00	01	42
				476	00	06	94
				414	00	03	86
				413	00	03	02
				414/1	00	02	69
				515	00	00	20
				411 रास्ता	00	00	39
				409	00	00	23
				407	00	09	99
				386	00	00	20
				389	00	02	83
				390	00	07	60
				390/1	00	03	39
				391	00	07	22
				377	00	00	89
				376	00	05	57
				375	00	03	50
				371	00	00	70
				368	00	00	20
				367	00	10	08

				366	00	00	20
				359	00	01	68
				358	00	00	30
				360	00	03	89
				361	00	04	14
				353 रास्ता	00	00	58
				339	00	08	42
				307	00	10	56
				338	00	03	47
				309	00	04	02
				310	00	03	93
				298	00	06	86
8	हरोली	मनुवाल	471	2552	00	01	07
				2562	00	04	28
				2551	00	04	02
				2548	00	01	25
				2549	00	00	38
				2550	00	00	22
				2564	00	03	100
				2567	00	02	11
				2568	00	00	50
				2570	00	03	61
				2571 रास्ता	00	00	77
				2572	00	01	76
				2982	00	01	30
				2983	00	00	20
				2981	00	00	20
				2574	00	00	29
				2577	00	01	94

				2980	00	06	41
				2578	00	00	46
				2580	00	00	53
				2582	00	00	64
				2583	00	00	54
				2581	00	00	55
				2600	00	01	76
				2601	00	01	13
				2605	00	00	20
				2604	00	00	34
				2602	00	00	34
				2603	00	00	20
				2629	00	03	68
				2626	00	02	22
				2628	00	00	45
				2627	00	00	20
				2651	00	01	71
				2650	00	02	34
				2653	00	00	20
				2652	00	00	20
				2655	00	03	17
				2656	00	00	20
				2659	00	01	81
				2660	00	01	23
				2654	00	00	20
				2662	00	00	20
				2661	00	00	31
				2663	00	00	72
				2675	00	00	37

				2674	00	01	02
				2664	00	00	20
				2671	00	00	20
				2672	00	01	40
				2673	00	00	91
				2677	00	02	32
				2701	00	00	84
				2700	00	00	67
				2699	00	00	33
				2698	00	00	63
				2697	00	00	27
				2696	00	02	02
				2693	00	03	23
				2707	00	00	20
				2708	00	00	73
				2709	00	04	12
				2721	00	05	47
				3492/2727	00	00	81
				3499/2730	00	00	96
				2728	00	05	93
				3495/2729	00	00	50
				3496/2729	00	00	25
				2688 रास्ता	00	01	09
9	हरोली	नंगल खुर्द	471	2781	00	09	98
				2783	00	04	92
				2785	00	02	20
				2784	00	02	27
				2787	00	07	79
				2789	00	00	20

				2788	00	05	86
				2833	00	00	20
				2823	00	03	35
				2824	00	05	05
				2832	00	02	32
				2822	00	00	20
				2825	00	05	02
				2828	00	02	01
				2827	00	03	71
				2826	00	02	06
				2841	00	14	06
				2943 रास्ता	00	00	81
				2942	00	12	64
				2940	00	03	67
				2939	00	00	81
				2913	00	20	07
				2937	00	02	02
				2935	00	06	82
				2934	00	05	28
				2933	00	00	80
				2932	00	06	24
				2926	00	12	20
				2924	00	00	20
				2925	00	00	82
				2923	00	20	73
				2920	00	20	39
10	उना	उदयपुर	224	1197/2	00	01	05
				1197/1	00	26	40
				1243/1141	00	07	55

				1242/1141	00	02	15
				1158/2	00	03	80
				1318/1176	00	18	24
11	उना	नंगड़ा झिकला	222	2210/1663	00	00	78
				2206/1359	00	02	73
				1328	00	02	80
				2266/515	00	01	55
				2267/515	00	02	26
				2272/523	00	00	20
				2271/523	00	02	30
				2277/528	00	00	88
				2268/522	00	00	20
				2269/522	00	00	20
12	उना	पेखूबेला		1009	00	03	60
				1007	00	09	18

[फा. सं. आर-11025(11)/248/2017-ओआर-I/ई-18228]

पवन कुमार, अवर सचिव

New Delhi, the 14th December, 2017

S.O. 2800.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette No. 27 dated 08.07.2017, S.O. No. 1582 dated 22.06.2017 Part-II, section 3, sub-section (ii) and Gazette No. 34 dated 26.08.2017, S.O. No. 1960 dated 21.08.2017 Part-II, section 3, sub-section (ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Tehsil Una and Haroli, District Una in Himachal Pradesh State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum product from village Jhungian in the State of Punjab, District Shahid Bhagat Singh Nagar to village Pekhubela in the State of Himachal Pradesh, District Una by the Indian Oil Corporation Limited for implementing the "PAJPL Una Branch line project".

And whereas the copies of the said Gazette notification were made available to the public on 17.10.2017

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

District: Una					State : Himachal Pradesh		
Sr. No.	Name of Tehsil	Name of Village	Hadbast No.	Murabba /Killa OR Khasara No.	Area		
					Hectare	Are	Sq. mtr.
1	2	3	4	5	6	7	8
1	Haroli	Bathari	476	1306 Rasta	00	00	32
				997 Rasta	00	00	50
				1300	00	08	33
				1301	00	00	20
				998	00	14	58
				1279	00	12	67
				1280	00	02	93
				1037	00	18	76
				1036	00	00	58
				1038	00	06	35
				1039	00	03	70
				1040	00	01	25
				1043	00	11	60
				1061	00	10	68
				1073	00	01	91
				1071	00	05	30
				1072	00	04	31
				1070	00	00	20
				1069	00	00	72
				1068	00	00	20
				1076	00	09	13
				1077	00	01	03
				1135	00	00	55
				1133	00	06	35
				1134	00	07	26
				1121	00	04	10
				1120	00	09	99
				1117	00	04	22
				1116	00	07	95
				930 Rasta	00	00	79
				929	00	05	36
				928	00	02	51

				927	00	01	52
				60	00	00	18
				61	00	00	42
				62	00	04	00
				79	00	00	24
				80	00	02	67
				81	00	02	23
				82	00	10	25
				104	00	02	62
				103	00	03	24
				102	00	00	77
				101	00	07	15
				100	00	00	93
				116	00	10	23
				122	00	05	12
				136	00	00	16
				125	00	04	81
				124	00	00	20
				127	00	02	90
				133	00	00	96
				134	00	01	74
				132	00	11	71
				148	00	00	20
				301 Rasta	00	00	57
				25	00	00	17
				302	00	57	56
				1126	00	01	08
				1127	00	00	90
				1125/4	00	01	10
				1125/3	00	01	20
				1125/2	00	01	45
				1125/1	00	03	10
				1124/1	00	00	60
2	Haroli	Keluwa		3132	00	03	98
				3130	00	01	94
				3128	00	05	58
				3127	00	04	66
				3039	00	01	81
				3043	00	09	50

				3041	00	00	97
				3042	00	07	49
				3060	00	01	59
				3055	00	02	40
				3059	00	06	73
				3097	00	04	40
				3092	00	04	02
				3091	00	01	66
				3093	00	02	81
				3090	00	01	54
				3088	00	06	12
				3089	00	00	20
				3085	00	03	95
				3084	00	04	82
				3083	00	14	46
				2920	00	01	34
				2919	00	03	68
				2931	00	02	95
				2933	00	01	58
				2934	00	02	54
				2917	00	01	30
				2935	00	01	09
				2916	00	02	40
				2936	00	01	30
				2940	00	01	39
				2947	00	00	83
				2946	00	00	26
				2948	00	12	55
				2950	00	00	94
				2952	00	05	93
				2953	00	04	61
				2954	00	03	08
				2643	00	00	20
				2645	00	01	69
				2646	00	12	28
				2651	00	03	03
				3302/3	00	00	20
				3302/1	00	05	50
				3131	00	24	66

				2652	00	01	56
3	Haroli	Bathu	475	1892	00	00	20
				1895	00	00	57
				1895/1	00	01	66
				1894	00	00	20
				1897	00	11	50
				1898	00	00	28
				1901	00	06	11
				1901/1	00	00	20
				1911	00	03	53
				1910	00	03	79
				1909	00	00	77
				1912	00	06	28
				1908	00	03	51
				1860	00	01	28
				1861	00	01	73
				1867	00	04	43
				1865	00	02	78
				1862	00	00	20
				1864	00	01	82
				1854	00	04	14
				1855	00	07	37
				1824	00	05	52
				1990	00	00	25
				1822	00	02	37
				1823	00	02	03
				1819	00	01	73
				1821	00	06	02
				1817 Rasta	00	00	73
				1801 Rasta	00	00	38
				1810	00	00	96
				1809	00	01	93
				1808	00	04	36
				1807	00	04	36
				1560	00	04	13
				1559	00	03	15
				1553	00	01	03
				1563	00	03	03
				1562	00	02	63

				1564	00	00	37
				1566	00	08	54
				1567	00	06	22
				1590	00	00	51
				1586	00	05	69
				1581	00	10	89
				1582	00	02	13
				1579	00	04	11
				1502	00	19	59
				1499	00	11	43
				1497	00	03	96
				1498	00	04	93
				1493	00	07	35
				1666	00	02	27
				1667	00	02	38
				1668	00	03	25
				1669	00	01	43
				1485	00	00	31
				1670	00	03	18
				1671	00	03	82
				1672	00	01	62
				1673	00	00	20
				1676	00	01	41
				1677	00	00	87
				1679	00	00	28
				1680	00	00	58
				1681	00	06	23
				1684/1	00	03	16
4	Haroli	Bat Khurd	474	1376	00	00	82
				1377	00	02	78
				1384	00	04	01
				1385	00	00	20
				1396	00	09	88
				1395	00	00	20
				1397	00	01	53
				1442	00	00	52
				1404	00	02	91
				1405	00	01	96
				1406	00	02	05

				1403	00	00	20
				1407	00	00	20
				1408	00	00	20
				1409	00	02	15
				1412	00	00	67
				1411	00	01	01
				1410	00	00	66
				1441	00	02	41
				1440	00	03	20
				1439	00	02	66
				1438	00	00	20
				1437	00	00	20
				1456	0	00	20
				1457	00	05	05
				1454	00	02	92
				1468	00	01	03
				1467	00	00	61
				1466	00	00	89
				1469	00	03	24
				1465	00	00	70
				1470	00	02	19
				1471	00	00	20
				1482	00	01	82
				1481	00	02	47
				1486	00	01	97
				1503	00	06	56
				1490	00	00	20
				1504	00	00	77
				1510	00	01	59
				1509	00	00	92
				1508	00	01	46
				1505	00	00	34
				1507	00	02	51
				1313	00	02	96
				1314	00	02	48
				1318	00	01	68
				1317	00	01	47
				1320	00	01	27
				1321	00	01	40

				1323	00	03	71
				1324	00	00	20
				1288	00	01	29
				1293	00	01	27
				1290	00	00	56
				1289	00	01	48
				1286	00	00	20
				1287	00	00	29
				1291 Rasta	00	00	44
				1292 Rasta	00	00	20
				1262	00	02	01
				1261	00	00	39
				1250	00	00	20
				1249	00	02	59
				1246	00	03	39
				1243	00	00	20
				1242/1	00	00	75
				1242	00	01	04
				1241	00	00	80
				1239	00	02	100
				1236	00	00	82
				1238	00	01	02
				1237	00	00	83
				1232	00	02	16
				1231	00	01	25
				1230	00	01	11
				2174/1688	00	00	61
				2173/1688	00	00	37
				2172/1688	00	00	99
				1682	00	00	98
				1690	00	04	47
				1691	00	03	39
				1692	00	01	51
				1696	00	01	85
				1718	00	02	42
				1719	00	00	28
				1697	00	00	20
				1710	00	04	08
				1717	00	00	20

				1707	00	00	20
				1708	00	01	30
				1709	00	01	95
				1711	00	01	18
5	Haroli	Bat Kalan	473	678//21/3	00	05	61
				678//21/4	00	02	81
				678//20/2	00	06	02
				678//20/1	00	03	25
				678//11/2	00	07	76
				678//11/1	00	02	65
				678//10/1	00	01	35
				682 Rasta	00	00	60
				678//10/2/2	00	02	10
				678//10/2/1	00	03	21
				678//1/2	00	00	56
				679//6/4/1	00	00	65
				679//6/3	00	01	88
				679//6/1	00	00	50
				679//5/2	00	05	84
				679//5/1	00	00	20
				669//25/3	00	01	50
				669//25/2	00	07	85
				669//25/1	00	00	45
				669//16/1	00	09	67
				669//15/2	00	01	39
				669//17/1	00	00	72
				679//5/3/1	00	03	08
6	Haroli	Tahliwal Nichala	472	154	00	00	98
				168	00	00	90
				169	00	13	73
				171	00	12	46
				175	00	00	20
				185	00	00	57
				189	00	18	76
				201 Nala	00	01	13
				223	00	03	91
				222	00	01	44
				221	00	00	84
				224	00	00	20

				226	00	03	70
				226/1	00	05	01
				227	00	14	93
				388	00	00	27
				228 Rasta	00	00	74
				369	00	00	20
				253	00	03	65
				312 Rasta	00	01	92
				363	00	01	57
				254	00	00	69
				255	00	00	20
				362	00	11	74
				360	00	20	17
				317	00	20	09
				318	00	13	14
				316	00	02	05
				315	00	03	15
				319	00	00	33
				313	00	00	50
				621/314	00	03	33
				620/314	00	03	15
7	Haroli	Tehliwal Upparla	472	479	00	01	45
				478	00	01	88
				477 Rasta	00	01	08
				470	00	10	22
				475	00	01	42
				476	00	06	94
				414	00	03	86
				413	00	03	02
				414/1	00	02	69
				515	00	00	20
				411 Rasta	00	00	39
				409	00	00	23
				407	00	09	99
				386	00	00	20
				389	00	02	83
				390	00	07	60
				390/1	00	03	39
				391	00	07	22

				377	00	00	89
				376	00	05	57
				375	00	03	50
				371	00	00	70
				368	00	00	20
				367	00	10	08
				366	00	00	20
				359	00	01	68
				358	00	00	30
				360	00	03	89
				361	00	04	14
				353 Rasta	00	00	58
				339	00	08	42
				307	00	10	56
				338	00	03	47
				309	00	04	02
				310	00	03	93
				298	00	06	86
8	Haroli	Manuwal	471	2552	00	01	07
				2562	00	04	28
				2551	00	04	02
				2548	00	01	25
				2549	00	00	38
				2550	00	00	22
				2564	00	03	100
				2567	00	02	11
				2568	00	00	50
				2570	00	03	61
				2571 Rasta	00	00	77
				2572	00	01	76
				2982	00	01	30
				2983	00	00	20
				2981	00	00	20
				2574	00	00	29
				2577	00	01	94
				2980	00	06	41
				2578	00	00	46
				2580	00	00	53
				2582	00	00	64

				2583	00	00	54
				2581	00	00	55
				2600	00	01	76
				2601	00	01	13
				2605	00	00	20
				2604	00	00	34
				2602	00	00	34
				2603	00	00	20
				2629	00	03	68
				2626	00	02	22
				2628	00	00	45
				2627	00	00	20
				2651	00	01	71
				2650	00	02	34
				2653	00	00	20
				2652	00	00	20
				2655	00	03	17
				2656	00	00	20
				2659	00	01	81
				2660	00	01	23
				2654	00	00	20
				2662	00	00	20
				2661	00	00	31
				2663	00	00	72
				2675	00	00	37
				2674	00	01	02
				2664	00	00	20
				2671	00	00	20
				2672	00	01	40
				2673	00	00	91
				2677	00	02	32
				2701	00	00	84
				2700	00	00	67
				2699	00	00	33
				2698	00	00	63
				2697	00	00	27
				2696	00	02	02
				2693	00	03	23
				2707	00	00	20

				2708	00	00	73
				2709	00	04	12
				2721	00	05	47
				3492/2727	00	00	81
				3499/2730	00	00	96
				2728	00	05	93
				3495/2729	00	00	50
				3496/2729	00	00	25
				2688 Rasta	00	01	09
9	Haroli	Nangal Khurd	471	2781	00	09	98
				2783	00	04	92
				2785	00	02	20
				2784	00	02	27
				2787	00	07	79
				2789	00	00	20
				2788	00	05	86
				2833	00	00	20
				2823	00	03	35
				2824	00	05	05
				2832	00	02	32
				2822	00	00	20
				2825	00	05	02
				2828	00	02	01
				2827	00	03	71
				2826	00	02	06
				2841	00	14	06
				2943 Rasta	00	00	81
				2942	00	12	64
				2940	00	03	67
				2939	00	00	81
				2913	00	20	07
				2937	00	02	02
				2935	00	06	82
				2934	00	05	28
				2933	00	00	80
				2932	00	06	24
				2926	00	12	20
				2924	00	00	20
				2925	00	00	82

				2923	00	20	73
				2920	00	20	39
10	Una	Udaypur	224	1197/2	00	01	05
				1197/1	00	26	40
				1243/1141	00	07	55
				1242/1141	00	02	15
				1158/2	00	03	80
				1318/1176	00	18	24
11	Una	Nangran Jhikla	222	2210/1663	00	00	78
				2206/1359	00	02	73
				1328	00	02	80
				2266/515	00	01	55
				2267/515	00	02	26
				2272/523	00	00	20
				2271/523	00	02	30
				2277/528	00	00	88
				2268/522	00	00	20
				2269/522	00	00	20
12	Una	Pekhubela		1009	00	03	60
				1007	00	09	18

[F. No. R-11025(11)/248/2017-OR-I/E-18228]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2017

का.आ. 2801.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार के अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम एवं गैस मन्त्रालय की अधिसूचना सं० का० आ० 910(अ) तारीख 23 मार्च 2015 जो भारत के राजपत्र सं० 681 तारीख 01 अप्रैल 2015 को प्रकाशित की गई थी, द्वारा उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमि में केरल राज्य में भारत पेट्रोलियम कार्पोरेशन लिमिटेड की कोच्चि रिफाइनरी से सेलम तक द्रवित पेट्रोलियम गैस के परिवहन के लिए कोच्चि कोयम्बटूर सेलम पाइपलाइन परियोजना के माध्यम से कोच्चि सेलम पाइपलाइन प्राइवेट लिमिटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 13/08/2015 से 03/09/2015 के बीच उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केंद्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केंद्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग के अधिकार का अर्जन किया जाता है ;

और केंद्रीय सरकार उक्त अधिनियम कि धारा 6 कि उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन कि तारीख को केंद्रीय सरकार में निहित होने कि बजाए, सभी विल्लंगमों से मुक्त, कोच्चि सेलम पाइपलाइन प्राइवेट लिमिटेड में निहित होगा।

अनुसूची

राज्य : केरल

जिला : ऐरनाकुलम

तालुक : आलुवा

नाम ग्राम	सर्वे नम्बर	क्षेत्रफल		
		हेक्टेयर	एरिया	वर्गमीटर
तेक्कुम्बागम (खण्ड सं0 30)	149/3	0	00	94
	151/8	0	06	38
	155/3	0	00	74
	155/5	0	00	09
	156/5	0	00	05
	156/6	0	00	63
	156/9	0	00	60
	157/1	0	00	08
	157/2	0	01	71
	157/4	0	11	15
	157/7	0	08	56
	157/8	0	00	12
	195/6	0	01	57
	195/8	0	00	48
	205/4	0	06	32
	205/11	0	08	14
	205/12	0	00	37
	206/6	0	00	95
	207/1	0	04	93
	207/2	0	06	26
	207/3	0	04	72
	207/6	0	00	82
	214/4	0	01	00
	214/5	0	02	71
	214/6	0	04	60
	215/1	0	00	60
	215/2	0	01	22
	215/3	0	01	46
	215/4	0	01	82
	215/5	0	02	83
	226/2	0	01	98

	226 / 7	0	05	91
	226 / 8	0	04	61
	226 / 11	0	05	88
	226 / 12	0	01	71
	226 / 13	0	08	13
	228 / 4	0	01	19
	228 / 5	0	00	23
	228 / 6	0	01	11
	229 / 3	0	00	16
	229 / 4	0	02	99
	229 / 5	0	01	47
	229 / 8	0	03	67
	229 / 10	0	00	33
	229 / 16	0	01	35
	229 / 17	0	03	80
	230 / 2	0	02	20
	230 / 3	0	00	59
	230 / 14	0	00	48
	230 / 16	0	01	34
	230 / 17	0	01	45
	230 / 18	0	01	80
वडक्कुम्बागम (खण्ड सं० 28)	158 / 13	0	00	06
	158 / 14	0	00	24
	158 / 22	0	00	67
	192 / 6	0	00	98
	192 / 8	0	06	10
	208 / 2	0	05	69
	263 / 2	0	12	11
	268 / 16	0	05	23
	268 / 17	0	01	42
	268 / 9	0	02	76
	283 / 4	0	00	25
	283 / 5	0	00	34
	283 / 11	0	10	28
	283 / 12	0	08	01
	284 / 5	0	01	90
	284 / 7	0	00	58
	285 / 1	0	01	90

285 / 2	0	01	70
285 / 3	0	03	16
285 / 4	0	03	40
292 / 7	0	05	47
292 / 8	0	09	07
306 / 1	0	00	67

[फा. सं. आर-12031/196/2017-ओआर-I/ई-19746]

पवन कुमार, अवर सचिव

New Delhi, the 14th December, 2017

S.O. 2801.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas SO No. 910 (E), dated 23/03/2015 published in Govt. of India Gazette No. 681 dated 01/04/2015 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (Central Act 50 of 1962) (herein after referred to as said Act), the Central Government declared its intention to acquire the Right of User in the land specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Liquefied Petroleum Gas from Kochi Refinery of Bharat Petroleum Corporation Limited in the State of Kerala to Salem in the State of Tamilnadu.

AND, Whereas, the copies of the said Gazette notifications have been made available to the public between 13/08/2015 to 03/09/2015.

AND, Whereas, the Competent Authority in pursuance of sub section (1) of section 6 of the said Act has submitted his report to the Central Government.

AND, Whereas, the Central Government, after considering the said report, is satisfied that the Right of User in the said land specified in the schedule appended should be acquired.

Now, therefore in exercise of the powers conferred by sub section (1) of the Section 6 of the said Act, the Central Government hereby declared that the Right of User in the Land specified in the schedule appended to this notification are hereby acquired.

AND, further, in exercise of powers conferred by sub section (4) of the section 6 of the said Act, the Central Government hereby directs that the Right of User in the said lands shall, instead of vesting in the Central Government vest free from all encumbrances in the Kochi – Salem Pipeline Private Limited.

SCHEDULE

STATE : KERALA

DISTRICT : ERNAKULAM

TALUK : ALUVA

VILLAGE	SURVEY NUMBERS	AREA		
		HECTARES	ARES	SQ . MTRS
1	2	3	4	5
THEKKUMBHAGAM	149/3	0	00	94
BLOCK NO. 30	151/8	0	06	38
	155/3	0	00	74
	155/5	0	00	09
	156/5	0	00	05
	156/6	0	00	63
	156/9	0	00	60
	157/1	0	00	08
	157/2	0	01	71
	157/4	0	11	15

157/7	0	08	56
157/8	0	00	12
195/6	0	01	57
195/8	0	00	48
205/4	0	06	32
205/11	0	08	14
205/12	0	00	37
206/6	0	00	95
207/1	0	04	93
207/2	0	06	26
207/3	0	04	72
207/6	0	00	82
214/4	0	01	00
214/5	0	02	71
214/6	0	04	60
215/1	0	00	60
215/2	0	01	22
215/3	0	01	46
215/4	0	01	82
215/5	0	02	83
226/2	0	01	98
226/7	0	05	91
226/8	0	04	61
226/11	0	05	88
226/12	0	01	71
226/13	0	08	13
228/4	0	01	19
228/5	0	00	23
228/6	0	01	11
229/3	0	00	16
229/4	0	02	99
229/5	0	01	47
229/8	0	03	67
229/10	0	00	33
229/16	0	01	35
229/17	0	03	80
230/2	0	02	20
230/3	0	00	59
230/14	0	00	48
230/16	0	01	34
230/17	0	01	45

	230/18	0	01	80
VADAKKUMBHAGAM	158/13	0	00	06
(BLOCK.NO. 28)	158/14	0	00	24
	158/22	0	00	67
	192/6	0	00	98
	192/8	0	06	10
	208/2	0	05	69
	263/2	0	12	11
	268/16	0	05	23
	268/17	0	01	42
	268/9	0	02	76
	283/4	0	00	25
	283/5	0	00	34
	283/11	0	10	28
	283/12	0	08	01
	284/5	0	01	90
	284/7	0	0	58
	285/1	0	01	90
	285/2	0	01	70
	285/3	0	03	16
	285/4	0	03	40
	292/7	0	05	47
	292/8	0	09	07
	306/1	0	00	67

[F. No. R-12031/196/2017-OR-I/E-19746]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2017

का.आ. 2802.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु राज्य में एन्नूर से मदुरै तक वाया चेंगलपट्टु पांडिचेरी त्रिची एलपीजी परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपाबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री एस. पी. मधुसूदनन, सक्षम प्राधिकारी, भूमि अर्जन अधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पाइपलाइन परियोजना, प्लाट सं.-14, जयप्रकाश स्ट्रीट, वी. जी. पी नगर, राजाजिपुरम, तिरुवल्लुर, तमिलनाडू - 602001 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : वडिपट्टी	जिला : मदुरै		राज्य : तमिलनाडु		
गाँव का नाम	सर्वेक्षण सं. - खण्ड सं.	उप खण्ड सं.	क्षेत्रफल		
			हेक्टेर	एयर	वर्ग मीटर
1	2	3	4	5	6
7. तुंबिचांपट्टी	5	4बी1	0	00	40
	21	4बी	0	12	25
	21	3बी	0	01	20
	21	2ए	0	00	55
	20	3बी	0	00	55
	20	3ए	0	11	70
	16	6	0	08	25
	16	4	0	03	80
	16	3	0	04	15
	16	1बी	0	04	00
	16	1ए	0	10	85
	15		0	11	20
	14	12सी	0	00	40
	14	12बी	0	04	00
	14	12ए	0	15	60
	14	10	0	00	90
5. चिन्नमनयक्कंपट्टी	144	1	0	09	60
	141	4	0	07	00
	141	6	0	07	30
	141	5	0	01	00
	140	3	0	02	50
	139	2ए	0	02	80
	139	2बी	0	02	50
	114	4सी	0	00	40
	114	4डी	0	07	00
	114	4ई	0	00	45
	113	2	0	12	20
	112	2	0	06	80

	112	1	0	12	25
	110	21बी	0	00	40
	110	22	0	00	50
	110	23	0	04	60
	110	24	0	04	35
	110	14	0	04	20
	110	13	0	04	50
	110	12	0	04	50
	110	11	0	01	70
	110	10	0	01	20
	110	9	0	00	70
	106	1	0	09	80
	107	2	0	03	10
	107	1	0	00	40
	109	5बी	0	03	40
	109	5ए	0	10	30
	109	4	0	02	00
	109	3	0	02	65
	109	2	0	05	90
	109	1	0	00	60
	86	6	0	00	60
	86	5	0	14	00
	86	3	0	05	10
	86	1	0	14	40
	74	2ए1	0	00	40
	73	2बी	0	04	00
	73	2ए	0	01	10
	72	2	0	06	85
	67	2	0	02	35
	66	5	0	00	50
	66	3	0	15	80
	66	2	0	08	30

	66	1	0	05	75
	64	5	0	03	50

[फा. सं. आर-11025(11)/96/2017-ओआर-I/ई-7820]

पवन कुमार, अवसर सचिव

New Delhi, the 14th December, 2017

S.O. 2802.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquefied Petroleum Gas from Ennore to Madurai Via Chengalpattu, Pondicherry(UT) and Trichy, a pipeline should be laid in the State of Tamil Nadu by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S.P.Madhusudhanan, Competent Authority, Land Acquisition Officer Indian Oil Corporation Limited, Pipeline Projects, Plot No.14, Jayaprakash Street, V.G.P. Nagar, Rajajipuram, Tiruvallur, TamilNadu – 602 001.

SCHEDULE

Taluk : Vadipatti	District : Madurai		State : Tamil Nadu		
Name of the Village	Survey No.	Survey No.	Area		
			Hectare	Are	Square Meter
1	2	3	4	5	6
7. Thumbichampatti	5	4B1	0	00	40
	21	4B	0	12	25
	21	3B	0	01	20
	21	2A	0	00	55
	20	3B	0	00	55
	20	3A	0	11	70
	16	6	0	08	25
	16	4	0	03	80
	16	3	0	04	15
	16	1B	0	04	00
	16	1A	0	10	85
	15		0	11	20

	14	12C	0	00	40
	14	12B	0	04	00
	14	12A	0	15	60
	14	10	0	00	90
5. Chinnamanayakkanpatti	144	1	0	09	60
	141	4	0	07	00
	141	6	0	07	30
	141	5	0	01	00
	140	3	0	02	50
	139	2A	0	02	80
	139	2B	0	02	50
	114	4C	0	00	40
	114	4D	0	07	00
	114	4E	0	00	45
	113	2	0	12	20
	112	2	0	06	80
	112	1	0	12	25
	110	21B	0	00	40
	110	22	0	00	50
	110	23	0	04	60
	110	24	0	04	35
	110	14	0	04	20
	110	13	0	04	50
	110	12	0	04	50
	110	11	0	01	70
	110	10	0	01	20
	110	9	0	00	70
	106	1	0	09	80
	107	2	0	03	10
	107	1	0	00	40
	109	5B	0	03	40
	109	5A	0	10	30

	109	4	0	02	00
	109	3	0	02	65
	109	2	0	05	90
	109	1	0	00	60
	86	6	0	00	60
	86	5	0	14	00
	86	3	0	05	10
	86	1	0	14	40
	74	2A1	0	00	40
	73	2B	0	04	00
	73	2A	0	01	10
	72	2	0	06	85
	67	2	0	02	35
	66	5	0	00	50
	66	3	0	15	80
	66	2	0	08	30
	66	1	0	05	75
	64	5	0	03	50

[F. No. R-11025(11)/96/2017-OR-I/E-7820]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2017

का.आ. 2803.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु राज्य में एचूर से मदुरै तक वाया चेंगलपट्टु - पांडिचेरी - त्रिची एलपीजी परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा एक पाइपलाइन बिछाई जानी है।

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपाबद्ध अनुसूची में वर्णित है और जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री एस. पी. मधुसूदनन, सक्षम प्राधिकारी, भूमि अर्जन अधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पाइपलाइन परियोजना, प्लॉट सं.14, जयप्रकाश स्ट्रीट, वी. जी. पी नगर, राजाजिपुरम, तिरुवल्लुर, तमिलनाडू-602001 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : विक्रवांडी	जिला : विल्लुपुरम		राज्य : तमिलनाडु		
गाँव का नाम	सर्वेक्षण सं.- खण्ड सं.	उप खण्ड सं.	क्षेत्रफल		
			हेक्टेर	एयर	वर्ग मीटर
1	2	3	4	5	6
37. नंदिवादी	30	2	0	13	80
	31		0	13	90
	32	1	0	05	20
	32	2ए	0	00	80
	32	2बी	0	05	95
	32	2सी	0	06	30
	32	3	0	02	50
	32	5	0	00	40
	40	5ए	0	00	60
	40	6बी	0	11	40
	40	6ए	0	02	60
	35	3ए	0	12	30
	35	4ए	0	03	40
	35	4बी	0	03	95
	39	2	0	00	85
	39	3	0	03	10
	55	1ए	0	01	65
	55	1बी	0	01	60
	55	1सी	0	00	40
	55	2	0	17	10
	59	4ए	0	03	60
	59	5ए	0	03	80
	59	6	0	03	70
	59	7	0	04	00
	59	8	0	05	20
	59	9	0	06	00

	61	1बी	0	10	80
	61	1सी1	0	05	60
	61	1सी2	0	02	55
	61	1सी3	0	02	70
	85	3	0	06	60
	62	1ए	0	00	55
	62	3	0	13	60
	81	1बी	0	12	80
	80	1	0	07	10
	79		0	13	30
	76	1ए	0	08	60
	76	1बी1	0	00	40
	76	2बी	0	08	45
	76	3	0	04	70
	76	4ए	0	04	70
	76	4बी	0	04	70
	76	4सी	0	04	70
	88		0	09	70
	89	2ए3ए	0	32	00
	89	6	0	08	10
	89	7	0	08	10
	89	2ए6ए	0	05	20
	89	2ए6बी	0	02	65
	89	2ए7	0	12	10
	89	2ए8ए	0	06	15
124. ठेंपैर	309	1	0	18	75
	309	3	0	21	00
	309	4ए	0	17	00
	309	4बी	0	00	40
	66	4	0	06	75
	66	2ए	0	11	50

	66	2बी	0	03	50
	66	3डी	0	09	50
	66	3सी	0	03	45
	60	3	0	05	45
	60	2डी	0	04	40
	60	2ई	0	03	60
	60	2जी	0	05	40
	68	4ए	0	02	00
	68	4बी	0	01	50
	68	4डी	0	03	10
	68	4सी	0	01	40
	68	4ई	0	05	00
	68	5	0	00	40
	57	1सी	0	04	00
	57	1ई	0	07	55
	57	2ए2	0	05	60
	57	2डी	0	02	60
	57	2ई	0	06	10
	57	2सी	0	00	40
	57	2जी	0	01	60
	57	2एफ	0	04	00
	57	2एच1	0	02	00
	57	2एच2	0	00	40
	57	2आई	0	02	15
	56	4ए	0	18	75
	56	1बी	0	11	25
	56	1ए	0	01	00
	56	3	0	10	10
	50	3सी	0	04	80
	50	3डी	0	05	50
	49	2बी1	0	01	00

	49	2ए	0	12	80
	49	1ए	0	03	25
	49	1बी	0	14	00
	43	2ए	0	03	25
	43	2बी	0	05	65
	43	2सी	0	02	00
	43	2डी	0	02	50
	43	2ई	0	02	15
	43	4ए	0	02	15
	43	4बी	0	04	00
	43	4ई	0	07	50
	43	4एफ़	0	01	50
	34	1	0	06	85
	34	2	0	06	25
	34	3	0	06	20
	34	4ए	0	04	75
	34	4बी	0	01	60
	35	1डी	0	00	40
	35	1ई	0	08	60
	35	1एफ़	0	08	65
	35	1जी	0	00	40
	35	3ए	0	01	20
	35	3बी	0	08	00
	35	4ए	0	04	70
	35	4बी1	0	04	70
	35	4बी2	0	04	30
	35	2बी	0	00	40
	31	1ए	0	04	00
	31	1सी	0	00	40
	36	1ए	0	00	40
	36	1बी	0	03	50

	36	2	0	10	80
	36	3ए	0	13	70
	36	3बी	0	05	60
	36	5	0	00	40
	36	6ए	0	03	20
	36	6बी	0	04	70
	30	6	0	09	00
	30	7	0	14	00
	29	2	0	01	75
	27	1बी	0	03	95
	27	5	0	15	10
	28	2	0	01	80
	28	3	0	09	40
	19	6	0	05	15
	19	5बी	0	05	15
	19	11बी	0	02	40
	149	2ए	0	00	40
	149	2बी	0	10	20
	149	5	0	21	50
	149	4	0	00	70
	18	2ए	0	00	95
	18	3ए	0	01	40
	18	2बी	0	00	60
	18	3बी	0	10	10
	18	4बी	0	08	30
123. छिन्नतच्छुर	1	3	0	01	00
	1	4	0	04	00
	1	6ए	0	19	45
	3	2	0	03	20
	3	3	0	34	30
	4	1	0	18	35

	23	1ए	0	04	45
	23	1बी	0	13	10
	23	5	0	01	40
	24	1	0	14	00
	24	2	0	00	40
	24	4	0	04	15
	24	5	0	04	50
	33	1	0	11	70
	33	2	0	16	10
	31	1ए	0	09	00
	31	1बी	0	12	60
	34	1एम	0	10	80
	35		0	17	30
138. कोंक्रांवूदी	15	1	0	07	90
	15	11	0	06	05
	15	12ए	0	02	30
	15	12बी	0	03	20
	15	13	0	02	60
	14	1ए	0	14	70
	14	5	0	03	85
	14	6	0	03	50
	14	7सी	0	02	15
	14	7बी	0	01	50
	14	8ए	0	00	40
	14	8बी	0	02	00
	14	7ए	0	00	80
	14	8सी	0	03	70
	1	1ए	0	03	10
	1	1बी	0	02	40
	1	1सी	0	02	40
	1	2ए	0	05	75
	1	2बी	0	02	90

	1	3	0	05	80
	1	4ए	0	05	80
	1	4बी	0	11	00
130.सालाई (विक्रवांडी)	85	3ए	0	02	70
	85	3बी1	0	15	10
	85	3बी2	0	14	40
	85	6	0	09	55
	85	7	0	25	90
	8	1	0	06	85
	8	2ए	0	04	80
	3	9ए	0	18	70
	3	14	0	01	45
	9	1ए2	0	17	30
	10	1बी1	0	17	20
	10	1बी2	0	05	90
133. पिल्लईयार्कुप्पम	14	1	0	19	50
	14	3	0	11	20
	14	4	0	08	30
	39	4ए	0	07	80
	39	8	0	01	10
	39	4बी	0	16	65
	39	9	0	00	40
	38	1	0	12	25
	38	2बी	0	00	40
	47	5ए	0	05	80
	47	5बी	0	06	10
	47	5सी	0	03	20
	47	5डी	0	00	40
	47	4	0	00	40
	49	1सी	0	05	00
	49	1बी	0	00	40

	49	1डी	0	05	70
	49	1ई	0	02	30
	49	1एफ़	0	03	70
	49	1एच	0	00	40
	49	1जी	0	05	00
	49	1आई	0	00	40
	49	1जे	0	04	20
	49	2डी	0	03	00
	49	3	0	01	20
	49	4	0	19	00
	49	5	0	03	90
134. कायथुर	228	3सी	0	01	15
	228	3डी	0	02	65
	228	4	0	04	20
	228	11	0	00	40
	228	12ए	0	02	35
	228	12बी	0	02	95
	228	13	0	02	65
	228	15बी	0	00	40
	228	27	0	07	00
	228	8	0	10	80
	224	1	0	02	80
	225		0	09	90
	218	1ए	0	00	40
	218	2ए	0	05	20
	218	2बी	0	00	40
	218	3	0	01	90
	218	4	0	05	50
	216	1	0	04	50
	216	2	0	00	90
	214	1ए	0	00	75

	214	1बी	0	00	60
	214	3ए	0	08	00
	214	3बी	0	08	10
	214	4	0	06	30
	214	5	0	04	20
	214	6ए	0	01	25
	39	6ए	0	05	50
	39	6बी	0	11	50
	39	8ए	0	07	50
	39	8बी	0	02	90
	39	8सी	0	02	70
	38	3	0	02	00
	33	1बी	0	03	55
	33	1सी	0	01	10
	33	2ई	0	02	40
	33	2एफ	0	05	70
	33	2जी	0	06	15
	41	7डी	0	01	25
	32	1ए	0	06	60
	32	2ए	0	02	00
	32	2बी	0	05	00
	32	3सी	0	10	80
	32	3डी	0	03	20
	31	2ए	0	03	80
	30	1	0	01	75
	30	2	0	07	00
	27	1	0	03	60
	27	2	0	11	00
	25	8	0	00	40
	26	1	0	00	40
	26	3	0	07	70

	26	4	0	10	25
	26	5	0	05	00
	26	6	0	00	80
135. राधापुरम	288	7	0	01	00
	288	8	0	07	20
	288	9	0	10	80
	288	10	0	03	95
	264	1	0	00	40
	264	2	0	42	60
	264	4	0	20	00
	265		0	02	75
	267	4ए	0	00	40
	267	4बी	0	02	90
	269	1ए	0	03	60
	269	1बी	0	03	60
	269	1सी	0	02	30
	269	2ए1	0	00	60
	67	1	0	06	20
	67	2	0	13	40
	67	3बी	0	10	45
	68	2	0	00	40
	68	5ए	0	03	90
	68	5बी	0	13	35
	68	6	0	10	45
	68	7	0	00	40
	68	9ए	0	01	95
	68	9बी	0	06	00
	69	2	0	12	00
	69	3	0	05	00
	70	3ए	0	00	45
	70	4ए	0	03	45

	79	1	0	09	30
	80	1ए1	0	02	60
	80	1ए2	0	06	75
	80	2	0	08	30
	87	1ए	0	05	80
	87	1बी	0	03	90
	87	2ए	0	01	90
	87	2बी	0	04	90
	87	2सी	0	09	40
	87	4ए	0	12	25
	87	4बी	0	04	90
	148	1	0	02	50
	148	3	0	00	40
	147	1	0	04	60
	147	2	0	05	85
	147	3	0	01	80
	105	2	0	02	55
	129		0	19	25
	127	3बी	0	10	45
	127	3सी	0	10	45
	125	9	0	15	85
	125	10	0	07	90
	116	1	0	05	70
	123	5	0	16	75
	123	6ए	0	00	40
	123	6बी	0	03	80
181.मदुरपाककम	437	5	0	17	65
	437	6	0	00	40
	437	10	0	00	40
	437	12	0	03	60
	437	14	0	03	00

	437	15	0	03	00
	437	17	0	05	80
	437	21	0	03	20
	437	20	0	02	65
	436	1बी	0	01	25
	436	1ए	0	01	50
	436	2सी	0	01	30
	436	3	0	00	55
	445	17ए	0	00	80
	445	17बी	0	04	00
	445	10	0	03	25
	444	1	0	02	00
	444	2	0	02	20
	444	3	0	00	65
	444	4	0	00	40
	444	9	0	05	70
	444	10	0	06	85
	429	2ए	0	01	80
	429	4ए	0	00	90
	429	4बी	0	00	65
	429	5ए	0	01	50
	429	5बी	0	02	55
	428	1	0	01	90
	428	2	0	00	75
	428	5	0	01	35
	428	6बी	0	03	55
	428	7ए	0	02	80
	428	7बी	0	00	80
	427	3	0	04	70
	427	8	0	03	80
	427	12	0	04	70

	427	15ए	0	00	40
	427	15बी	0	03	20
	425	2	0	05	05
	425	3ए	0	02	75
	425	3बी	0	03	60
	424	1	0	03	25
	424	2	0	03	00
	420		0	03	45
	419		0	02	20
	418	8	0	05	80
	418	10	0	03	25
	418	11सी	0	02	10
	418	12	0	01	95
	418	21ए	0	04	50
	418	21बी	0	05	05
	418	21सी	0	05	30
	415	8सी	0	05	05
	415	8डी	0	06	35
	415	11	0	05	25
	555		0	00	40
	413	7	0	00	60
	413	9	0	12	60
	413	10	0	00	40
	414		0	12	85
	556	1	0	03	00
	556	3	0	05	20
	556	4	0	03	40
	558	1	0	00	40
	558	2	0	00	40
	557	2ए	0	05	40
	557	2बी	0	05	40

	557	2सी	0	04	35
	559	4	0	02	70
	560	2ए2	0	05	00
	560	2बी	0	04	45
	560	2सी	0	02	20
	583	1	0	04	70
	583	4	0	00	40
	583	3	0	05	15
	584	1	0	04	60
	584	2	0	03	10
	584	3	0	00	60
	571		0	06	30
	572	1	0	01	70
	572	2	0	03	75
	572	3	0	03	95
	573	1	0	03	30
	573	5	0	00	40
	574		0	05	80
	575	2	0	06	60
	575	3बी	0	00	40
	614	3	0	00	40
	613	2	0	04	20
	612	1ए	0	02	30
	612	1बी	0	02	40
	612	1सी	0	00	40
	612	1डी	0	04	70
	576	3	0	01	90
	611	1ए	0	08	45
	611	1बी	0	00	65
	611	2	0	00	40
	610		0	02	80

	609	1	0	10	85
	606	2	0	00	40
	607	1ए	0	01	60
	607	1बी	0	04	50
	608	2	0	04	70
	608	3	0	04	70
	622		0	08	30
	623	5	0	02	85
	625		0	15	20
	624		0	00	55
	627	12ए	0	07	90
	627	12बी	0	01	55
	627	8	0	00	40
182.मुंगिल्यट्टु	27	1ए	0	07	20
	27	1बी	0	07	20
	27	1सी	0	07	60
	27	1ई	0	05	80
	27	1एफ़	0	03	70
	27	1जी	0	00	40
	27	5	0	10	80
	26	1ए3	0	07	20
	25	1ए	0	00	90
	25	1बी	0	03	00
	25	2	0	03	10
	25	3	0	03	10
	31	4	0	06	00
	31	3	0	04	60
	31	5	0	00	80
	22	1	0	06	60
	22	2ए	0	07	00
	22	2बी	0	01	40

	22	4ए	0	00	40
	22	4बी	0	04	70
	35	2ए	0	01	60
	35	2बी1	0	02	90
	35	2बी2	0	00	70
	36	1ए	0	03	05
	36	1बी	0	08	30
	36	2ए2	0	08	00
	36	2बी	0	01	50
	46	1	0	04	30
	46	2	0	00	40
	46	6ए	0	07	20
	46	6बी	0	08	65
	46	7	0	01	20
	46	9	0	02	70
	46	10	0	02	70
	46	12	0	00	40
	37	20	0	02	20
	45	1	0	09	20
	45	2	0	01	60
	52		0	02	40
	163	1	0	05	80
	155	1ए	0	01	10
	156		0	14	40
	158		0	10	30
	157		0	02	40
	159		0	07	20
	160		0	00	40
	192	2बी	0	06	10
	192	2सी	0	04	00
	192	4बी	0	00	40

	192	5	0	04	10
	191	2	0	00	40
	193	1बी	0	04	30
	193	1ए	0	00	40
	193	3बी	0	00	60
	193	4ए	0	04	10
	193	4बी	0	02	75
	212		0	03	40
	213	2सी3	0	00	80
	213	2सी4	0	04	70
	185	1	0	02	40
	185	2	0	00	40
	185	4ए	0	00	40
	220	1	0	02	50
	220	2	0	18	00
	222	1	0	00	60
	184	1	0	05	40
	184	2ए	0	01	75
	184	2बी	0	00	40
196. वादनूर	511/ई	1	0	00	40
	515		0	04	50
	516	1	0	02	05
	516	2	0	02	45
	519		0	02	85
	504	1	0	09	00
	504	2	0	00	40
	524	1	0	01	90
	524	2	0	00	75
	499	2	0	02	50
	499	4बी	0	01	20
	499	4सी	0	04	10

	498	2	0	07	40
	498	3	0	02	30
	494	2	0	03	15
	493	2ए	0	05	15
	493	2बी	0	01	20
	444	2	0	06	90
	447		0	02	15
	452	1	0	02	40
	452	2	0	04	00
	452	3	0	05	20
	453	1सी	0	02	60
	453	1बी	0	00	40
	456	4	0	03	10
	456	3ए1	0	03	10
	456	3बी1	0	06	85
	454		0	06	65
	459	4	0	00	40
	466	2	0	11	30
	466	3	0	01	15
	466	4	0	09	25
197. सेशांगनूर	148	4	0	06	10
	160	1	0	17	50
	159	2	0	06	10
	159	3	0	04	30
	158	1	0	00	40
	158	2	0	02	45
	138		0	31	35
	13	1	0	06	80
	13	2	0	13	70
	13	3बी	0	06	15
	13	7ए	0	09	00

	13	7बी	0	03	15
	18	1	0	03	80
	18	2	0	09	40
	18	3ए	0	02	10
	18	4	0	08	50
	18	3डी	0	00	40
	18	3ई	0	01	40
	18	5बी	0	07	20
	18	5डी	0	07	60
	19	2ए	0	00	40
	20	1ए	0	05	30
	20	1बी	0	05	50
	20	1सी	0	04	70
	20	1डी	0	05	50
	20	1ई	0	00	40
208. पेरियबाबूसमुद्रम	1	1	0	00	40
	1	2	0	11	20
	8	2	0	03	00
	8	9	0	05	50
	8	8बी	0	05	50
	39	1बी	0	04	80
	39	1सी	0	20	30
	39	4ए	0	14	10
	39	4बी	0	01	80
	35	1	0	10	80
	35	4ए	0	03	00
	35	4बी	0	06	50
	33	1	0	04	35
	33	2	0	10	20
	33	5	0	00	40
	33	3	0	17	30

	57	2ए	0	14	00
	57	1बी	0	17	65
	370		0	10	80
	371	1बी	0	05	60
	371	1ए	0	00	40
	369	1	0	13	50
	369	2	0	13	15
	368		0	00	40
	367		0	05	90
	363	1	0	02	10
	363	2	0	06	15
	354	1बी2बी	0	06	00
	354	1बी2सी	0	06	00
	354	1बी1	0	01	00
	354	2	0	18	00
	355		0	14	20
	353	2	0	01	80
	346	2	0	10	80
	347		0	06	50
	343		0	12	45
	342		0	14	75
	438	2	0	14	75
	440	3ए	0	15	40
	439	3	0	14	65
	449	2बी	0	10	25
	450	1ए	0	11	35
	450	2सी	0	07	90
	450	2डी	0	03	40
	468	2बी	0	04	90
	468	2सी	0	04	70

	468	2डी	0	03	25
	480	1ए	0	01	60
	480	1बी	0	06	30
	480	2ए	0	20	00
	480	4बी	0	05	40
	480	4ए	0	03	45
	479	2बी2	0	01	05
	477	2	0	08	30
	477	3	0	03	45
212. छिन्नबाबूसमुद्रम	15	1	0	08	45
	15	7	0	10	30
	15	9	0	05	10
	14	2	0	04	70
	14	4	0	04	50
	14	5	0	04	80
	14	10ए	0	08	20
	14	9	0	03	00
	14	13बी	0	08	00
	3	1	0	12	15
	2	6	0	03	10
	2	12	0	04	20
	2	13ए	0	04	45
	2	7ए1	0	14	00
	2	7ए2	0	02	80

[फा. सं. आर-11025(11)/96/2017-ओआर-I/ई-7820]

पवन कुमार, अवसर सचिव

New Delhi, the 14th December, 2017

S.O. 2803.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquefied Petroleum Gas from Ennore to Madurai Via Chengalpattu, Pondicherry(UT) and Trichy, a pipeline should be laid in the State of Tamil Nadu by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S.P. Madhusudhanan, Competent Authority, Land Acquisition Officer Indian Oil Corporation Limited, For Petroleum Pipeline Projects, Plot No.14, Jayaprakash Street, V.G.P. Nagar, Rajajipuram, Tiruvallur, Tamil Nadu – 602 001.

SCHEDULE

Taluk : Vikravandi	District : Villupuram		State : Tamil Nadu		
Name of the Village	Survey No.	Sub Division No.	Area		
			Hectare	Are	Square Meter
1	2	3	4	5	6
37. Nandivadi	30	2	0	13	80
	31		0	13	90
	32	1	0	05	20
	32	2A	0	00	80
	32	2B	0	05	95
	32	2C	0	06	30
	32	3	0	02	50
	32	5	0	00	40
	40	5A	0	00	60
	40	6B	0	11	40
	40	6A	0	02	60
	35	3A	0	12	30
	35	4A	0	03	40
	35	4B	0	03	95
	39	2	0	00	85
	39	3	0	03	10
	55	1A	0	01	65
	55	1B	0	01	60
	55	1C	0	00	40
	55	2	0	17	10
	59	4A	0	03	60
	59	5A	0	03	80
	59	6	0	03	70
	59	7	0	04	00

	59	8	0	05	20
	59	9	0	06	00
	61	1B	0	10	80
	61	1C1	0	05	60
	61	1C2	0	02	55
	61	1C3	0	02	70
	85	3	0	06	60
	62	1A	0	00	55
	62	3	0	13	60
	81	1B	0	12	80
	80	1	0	07	10
	79		0	13	30
	76	1A	0	08	60
	76	1B1	0	00	40
	76	2B	0	08	45
	76	3	0	04	70
	76	4A	0	04	70
	76	4B	0	04	70
	76	4C	0	04	70
	88		0	09	70
	89	2A3A	0	32	00
	89	6	0	08	10
	89	7	0	08	10
	89	2A6A	0	05	20
	89	2A6B	0	02	65
	89	2A7	0	12	10
	89	2A8A	0	06	15
124. Thenpair	309	1	0	18	75
	309	3	0	21	00
	309	4A	0	17	00
	309	4B	0	00	40
	66	4	0	06	75
	66	2A	0	11	50
	66	2B	0	03	50
	66	3D	0	09	50
	66	3C	0	03	45
	60	3	0	05	45
	60	2D	0	04	40

	60	2E	0	03	60
	60	2G	0	05	40
	68	4A	0	02	00
	68	4B	0	01	50
	68	4D	0	03	10
	68	4C	0	01	40
	68	4E	0	05	00
	68	5	0	00	40
	57	1C	0	04	00
	57	1E	0	07	55
	57	2A2	0	05	60
	57	2D	0	02	60
	57	2E	0	06	10
	57	2C	0	00	40
	57	2G	0	01	60
	57	2F	0	04	00
	57	2H1	0	02	00
	57	2H2	0	00	40
	57	2 I	0	02	15
	56	4A	0	18	75
	56	1B	0	11	25
	56	1A	0	01	00
	56	3	0	10	10
	50	3C	0	04	80
	50	3D	0	05	50
	49	2B1	0	01	00
	49	2A	0	12	80
	49	1A	0	03	25
	49	1B	0	14	00
	43	2A	0	03	25
	43	2B	0	05	65
	43	2C	0	02	00
	43	2D	0	02	50
	43	2E	0	02	15
	43	4A	0	02	15
	43	4B	0	04	00
	43	4E	0	07	50
	43	4F	0	01	50

	34	1	0	06	85
	34	2	0	06	25
	34	3	0	06	20
	34	4A	0	04	75
	34	4B	0	01	60
	35	1D	0	00	40
	35	1E	0	08	60
	35	1F	0	08	65
	35	1G	0	00	40
	35	3A	0	01	20
	35	3B	0	08	00
	35	4A	0	04	70
	35	4B1	0	04	70
	35	4B2	0	04	30
	35	2B	0	00	40
	31	1A	0	04	00
	31	1C	0	00	40
	36	1A	0	00	40
	36	1B	0	03	50
	36	2	0	10	80
	36	3A	0	13	70
	36	3B	0	05	60
	36	5	0	00	40
	36	6A	0	03	20
	36	6B	0	04	70
	30	6	0	09	00
	30	7	0	14	00
	29	2	0	01	75
	27	1B	0	03	95
	27	5	0	15	10
	28	2	0	01	80
	28	3	0	09	40
	19	6	0	05	15
	19	5B	0	05	15
	19	11B	0	02	40
	149	2A	0	00	40
	149	2B	0	10	20
	149	5	0	21	50

	149	4	0	00	70
	18	2A	0	00	95
	18	3A	0	01	40
	18	2B	0	00	60
	18	3B	0	10	10
	18	4B	0	08	30
123. Chinnatachchur	1	3	0	01	00
	1	4	0	04	00
	1	6A	0	19	45
	3	2	0	03	20
	3	3	0	34	30
	4	1	0	18	35
	23	1A	0	04	45
	23	1B	0	13	10
	23	5	0	01	40
	24	1	0	14	00
	24	2	0	00	40
	24	4	0	04	15
	24	5	0	04	50
	33	1	0	11	70
	33	2	0	16	10
	31	1A	0	09	00
	31	1B	0	12	60
	34	1M	0	10	80
	35		0	17	30
138. Konkrambundi	15	1	0	07	90
	15	11	0	06	05
	15	12A	0	02	30
	15	12B	0	03	20
	15	13	0	02	60
	14	1A	0	14	70
	14	5	0	03	85
	14	6	0	03	50
	14	7C	0	02	15
	14	7B	0	01	50
	14	8A	0	00	40
	14	8B	0	02	00
	14	7A	0	00	80

	14	8C	0	03	70
	1	1A	0	03	10
	1	1B	0	02	40
	1	1C	0	02	40
	1	2A	0	05	75
	1	2B	0	02	90
	1	3	0	05	80
	1	4A	0	05	80
	1	4B	0	11	00
130.Salai (Vikravandi)	85	3A	0	02	70
	85	3B1	0	15	10
	85	3B2	0	14	40
	85	6	0	09	55
	85	7	0	25	90
	8	1	0	06	85
	8	2A	0	04	80
	3	9A	0	18	70
	3	14	0	01	45
	9	1A2	0	17	30
	10	1B1	0	17	20
	10	1B2	0	05	90
133. Pillaiyarkuppam	14	1	0	19	50
	14	3	0	11	20
	14	4	0	08	30
	39	4A	0	07	80
	39	8	0	01	10
	39	4B	0	16	65
	39	9	0	00	40
	38	1	0	12	25
	38	2B	0	00	40
	47	5A	0	05	80
	47	5B	0	06	10
	47	5C	0	03	20
	47	5D	0	00	40
	47	4	0	00	40
	49	1C	0	05	00
	49	1B	0	00	40
	49	1D	0	05	70

	49	1E	0	02	30
	49	1F	0	03	70
	49	1H	0	00	40
	49	1G	0	05	00
	49	1 I	0	00	40
	49	1J	0	04	20
	49	2D	0	03	00
	49	3	0	01	20
	49	4	0	19	00
	49	5	0	03	90
134. Kayathur	228	3C	0	01	15
	228	3D	0	02	65
	228	4	0	04	20
	228	11	0	00	40
	228	12A	0	02	35
	228	12B	0	02	95
	228	13	0	02	65
	228	15B	0	00	40
	228	27	0	07	00
	228	8	0	10	80
	224	1	0	02	80
	225		0	09	90
	218	1A	0	00	40
	218	2A	0	05	20
	218	2B	0	00	40
	218	3	0	01	90
	218	4	0	05	50
	216	1	0	04	50
	216	2	0	00	90
	214	1A	0	00	75
	214	1B	0	00	60
	214	3A	0	08	00
	214	3B	0	08	10
	214	4	0	06	30
	214	5	0	04	20
	214	6A	0	01	25
	39	6A	0	05	50
	39	6B	0	11	50

	39	8A	0	07	50
	39	8B	0	02	90
	39	8C	0	02	70
	38	3	0	02	00
	33	1B	0	03	55
	33	1C	0	01	10
	33	2E	0	02	40
	33	2F	0	05	70
	33	2G	0	06	15
	41	7D	0	01	25
	32	1A	0	06	60
	32	2A	0	02	00
	32	2B	0	05	00
	32	3C	0	10	80
	32	3D	0	03	20
	31	2A	0	03	80
	30	1	0	01	75
	30	2	0	07	00
	27	1	0	03	60
	27	2	0	11	00
	25	8	0	00	40
	26	1	0	00	40
	26	3	0	07	70
	26	4	0	10	25
	26	5	0	05	00
	26	6	0	00	80
135. Radhapuram	288	7	0	01	00
	288	8	0	07	20
	288	9	0	10	80
	288	10	0	03	95
	264	1	0	00	40
	264	2	0	42	60
	264	4	0	20	00
	265		0	02	75
	267	4A	0	00	40
	267	4B	0	02	90
	269	1A	0	03	60
	269	1B	0	03	60

	269	1C	0	02	30
	269	2A1	0	00	60
	67	1	0	06	20
	67	2	0	13	40
	67	3B	0	10	45
	68	2	0	00	40
	68	5A	0	03	90
	68	5B	0	13	35
	68	6	0	10	45
	68	7	0	00	40
	68	9A	0	01	95
	68	9B	0	06	00
	69	2	0	12	00
	69	3	0	05	00
	70	3A	0	00	45
	70	4A	0	03	45
	79	1	0	09	30
	80	1A1	0	02	60
	80	1A2	0	06	75
	80	2	0	08	30
	87	1A	0	05	80
	87	1B	0	03	90
	87	2A	0	01	90
	87	2B	0	04	90
	87	2C	0	09	40
	87	4A	0	12	25
	87	4B	0	04	90
	148	1	0	02	50
	148	3	0	00	40
	147	1	0	04	60
	147	2	0	05	85
	147	3	0	01	80
	105	2	0	02	55
	129		0	19	25
	127	3B	0	10	45
	127	3C	0	10	45
	125	9	0	15	85
	125	10	0	07	90

	116	1	0	05	70
	123	5	0	16	75
	123	6A	0	00	40
	123	6B	0	03	80
181. Madurapakkam	437	5	0	17	65
	437	6	0	00	40
	437	10	0	00	40
	437	12	0	03	60
	437	14	0	03	00
	437	15	0	03	00
	437	17	0	05	80
	437	21	0	03	20
	437	20	0	02	65
	436	1B	0	01	25
	436	1A	0	01	50
	436	2C	0	01	30
	436	3	0	00	55
	445	17A	0	00	80
	445	17B	0	04	00
	445	10	0	03	25
	444	1	0	02	00
	444	2	0	02	20
	444	3	0	00	65
	444	4	0	00	40
	444	9	0	05	70
	444	10	0	06	85
	429	2A	0	01	80
	429	4A	0	00	90
	429	4B	0	00	65
	429	5A	0	01	50
	429	5B	0	02	55
	428	1	0	01	90
	428	2	0	00	75
	428	5	0	01	35
	428	6B	0	03	55
	428	7A	0	02	80
	428	7B	0	00	80
	427	3	0	04	70

	427	8	0	03	80
	427	12	0	04	70
	427	15A	0	00	40
	427	15B	0	03	20
	425	2	0	05	05
	425	3A	0	02	75
	425	3B	0	03	60
	424	1	0	03	25
	424	2	0	03	00
	420		0	03	45
	419		0	02	20
	418	8	0	05	80
	418	10	0	03	25
	418	11C	0	02	10
	418	12	0	01	95
	418	21A	0	04	50
	418	21B	0	05	05
	418	21C	0	05	30
	415	8C	0	05	05
	415	8D	0	06	35
	415	11	0	05	25
	555		0	00	40
	413	7	0	00	60
	413	9	0	12	60
	413	10	0	00	40
	414		0	12	85
	556	1	0	03	00
	556	3	0	05	20
	556	4	0	03	40
	558	1	0	00	40
	558	2	0	00	40
	557	2A	0	05	40
	557	2B	0	05	40
	557	2C	0	04	35
	559	4	0	02	70
	560	2A2	0	05	00
	560	2B	0	04	45
	560	2C	0	02	20
	583	1	0	04	70
	583	4	0	00	40

	583	3	0	05	15
	584	1	0	04	60
	584	2	0	03	10
	584	3	0	00	60
	571		0	06	30
	572	1	0	01	70
	572	2	0	03	75
	572	3	0	03	95
	573	1	0	03	30
	573	5	0	00	40
	574		0	05	80
	575	2	0	06	60
	575	3B	0	00	40
	614	3	0	00	40
	613	2	0	04	20
	612	1A	0	02	30
	612	1B	0	02	40
	612	1C	0	00	40
	612	1D	0	04	70
	576	3	0	01	90
	611	1A	0	08	45
	611	1B	0	00	65
	611	2	0	00	40
	610		0	02	80
	609	1	0	10	85
	606	2	0	00	40
	607	1A	0	01	60
	607	1B	0	04	50
	608	2	0	04	70
	608	3	0	04	70
	622		0	08	30
	623	5	0	02	85
	625		0	15	20
	624		0	00	55
	627	12A	0	07	90
	627	12B	0	01	55
	627	8	0	00	40
182. Mungilpattu	27	1A	0	07	20
	27	1B	0	07	20
	27	1C	0	07	60

	27	1E	0	05	80
	27	1F	0	03	70
	27	1G	0	00	40
	27	5	0	10	80
	26	1A3	0	07	20
	25	1A	0	00	90
	25	1B	0	03	00
	25	2	0	03	10
	25	3	0	03	10
	31	4	0	06	00
	31	3	0	04	60
	31	5	0	00	80
	22	1	0	06	60
	22	2A	0	07	00
	22	2B	0	01	40
	22	4A	0	00	40
	22	4B	0	04	70
	35	2A	0	01	60
	35	2B1	0	02	90
	35	2B2	0	00	70
	36	1A	0	03	05
	36	1B	0	08	30
	36	2A2	0	08	00
	36	2B	0	01	50
	46	1	0	04	30
	46	2	0	00	40
	46	6A	0	07	20
	46	6B	0	08	65
	46	7	0	01	20
	46	9	0	02	70
	46	10	0	02	70
	46	12	0	00	40
	37	20	0	02	20
	45	1	0	09	20
	45	2	0	01	60
	52		0	02	40
	163	1	0	05	80
	155	1A	0	01	10
	156		0	14	40
	158		0	10	30

	157		0	02	40
	159		0	07	20
	160		0	00	40
	192	2B	0	06	10
	192	2C	0	04	00
	192	4B	0	00	40
	192	5	0	04	10
	191	2	0	00	40
	193	1B	0	04	30
	193	1A	0	00	40
	193	3B	0	00	60
	193	4A	0	04	10
	193	4B	0	02	75
	212		0	03	40
	213	2C3	0	00	80
	213	2C4	0	04	70
	185	1	0	02	40
	185	2	0	00	40
	185	4A	0	00	40
	220	1	0	02	50
	220	2	0	18	00
	222	1	0	00	60
	184	1	0	05	40
	184	2A	0	01	75
	184	2B	0	00	40
196.Vadanur	511/E	1	0	00	40
	515		0	04	50
	516	1	0	02	05
	516	2	0	02	45
	519		0	02	85
	504	1	0	09	00
	504	2	0	00	40
	524	1	0	01	90
	524	2	0	00	75
	499	2	0	02	50
	499	4B	0	01	20
	499	4C	0	04	10
	498	2	0	07	40
	498	3	0	02	30
	494	2	0	03	15

	493	2A	0	05	15
	493	2B	0	01	20
	444	2	0	06	90
	447		0	02	15
	452	1	0	02	40
	452	2	0	04	00
	452	3	0	05	20
	453	1C	0	02	60
	453	1B	0	00	40
	456	4	0	03	10
	456	3A1	0	03	10
	456	3B1	0	06	85
	454		0	06	65
	459	4	0	00	40
	466	2	0	11	30
	466	3	0	01	15
	466	4	0	09	25
197. Seshanganur	148	4	0	06	10
	160	1	0	17	50
	159	2	0	06	10
	159	3	0	04	30
	158	1	0	00	40
	158	2	0	02	45
	138		0	31	35
	13	1	0	06	80
	13	2	0	13	70
	13	3B	0	06	15
	13	7A	0	09	00
	13	7B	0	03	15
	18	1	0	03	80
	18	2	0	09	40
	18	3A	0	02	10
	18	4	0	08	50
	18	3D	0	00	40
	18	3E	0	01	40
	18	5B	0	07	20
	18	5D	0	07	60
	19	2A	0	00	40
	20	1A	0	05	30
	20	1B	0	05	50

	20	1C	0	04	70
	20	1D	0	05	50
	20	1E	0	00	40
208. Periyababusamudram	1	1	0	00	40
	1	2	0	11	20
	8	2	0	03	00
	8	9	0	05	50
	8	8B	0	05	50
	39	1B	0	04	80
	39	1C	0	20	30
	39	4A	0	14	10
	39	4B	0	01	80
	35	1	0	10	80
	35	4A	0	03	00
	35	4B	0	06	50
	33	1	0	04	35
	33	2	0	10	20
	33	5	0	00	40
	33	3	0	17	30
	57	2A	0	14	00
	57	1B	0	17	65
	370		0	10	80
	371	1B	0	05	60
	371	1A	0	00	40
	369	1	0	13	50
	369	2	0	13	15
	368		0	00	40
	367		0	05	90
	363	1	0	02	10
	363	2	0	06	15
	354	1B2B	0	06	00
	354	1B2C	0	06	00
	354	1B1	0	01	00
	354	2	0	18	00
	355		0	14	20
	353	2	0	01	80
	346	2	0	10	80
	347		0	06	50
	343		0	12	45
	342		0	14	75

	438	2	0	14	75
	440	3A	0	15	40
	439	3	0	14	65
	449	2B	0	10	25
	450	1A	0	11	35
	450	2C	0	07	90
	450	2D	0	03	40
	468	2B	0	04	90
	468	2C	0	04	70
	468	2D	0	03	25
	480	1A	0	01	60
	480	1B	0	06	30
	480	2A	0	20	00
	480	4B	0	05	40
	480	4A	0	03	45
	479	2B2	0	01	05
	477	2	0	08	30
	477	3	0	03	45
212. Chinnababusamudram	15	1	0	08	45
	15	7	0	10	30
	15	9	0	05	10
	14	2	0	04	70
	14	4	0	04	50
	14	5	0	04	80
	14	10A	0	08	20
	14	9	0	03	00
	14	13B	0	08	00
	3	1	0	12	15
	2	6	0	03	10
	2	12	0	04	20
	2	13A	0	04	45
	2	7A1	0	14	00
	2	7A2	0	02	80

[F. No. R-11025(11)/96/2017-OR-I/E-7820]

PAWAN KUMAR, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2804.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, अध्यक्ष, हिंदुस्तान एयरोनॉटिक्स लिमिटेड बेंगलोर और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बेंगलोर के पंचाट (संदर्भ संख्या 01/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.11.2017 को प्राप्त हुआ था।

[सं. एल-14011/26/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th November, 2017

S.O. 2804.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 01/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the Chairman, Hindustan Aeronautics Ltd., Bangalore and others and their workman, which was received by the Central Government on 17.11.2017.

[No. L-14011/26/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**DATED : 31st October, 2017**PRESENT :** Shri V. S. RAVI, Presiding Officer**C.R. No. 01/2015****I Party**

The President,
HAL Permanent Casual
Employees Association,
HAL Vimanapura,
Bangalore – 560017.

Advocate for I Party:

Mr. G.V.P. Reddy

II Party

1. The Chairman, Hindustan Aeronautics Limited,
15/1, Cubbon Road, Bangalore – 560001
2. The Deputy General Manager(HR), Hindustan
Aeronautics Limited, ARDC Design Complex,
Vimanapura, Bangalore - 560037

Advocates for II Party:

Mr. N.S. Narasimha Swamy &

Mr. Thulasiram Singh B. K.

AWARD

1. The Central Government vide Order No.L-14011/26/2014-IR(DU) dated 05.01.2015 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the dispute raised by the workman Shri. M. Rajaiah in changing the date of birth in the service records from 03.02.1953 to 03.02.1958 at the end of his service is valid? If not, to what relief the workmen is entitled to?”

2. The I Party has submitted in the claim statement as follows:-

The I Party prays this Court, to

- a) Direct the II Party to correct the date of birth of the claimant workman as 03.02.1958, in the service records of the II Party and consequently,
- b) Direct the II Party to reinstate the workman/claimant to the service of the II Party.
- c) Direct the II Party to pay the back wages from the date of superannuation till the date of reinstatement.
- d) Direct the II Party to pay the compensation in the interest of justice and equity.

3. However, in the Judgment passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik Workers Union Vs Hindustan Aeronautics Limited, it is clearly held as follows:- “As we have set aside the order passed in L.P.A. No. 84 of 2006 and opined that the ‘appropriate Government’ in relation to the respondent company (HAL) is the State Government, the matter has to be remitted to the High Court for fresh adjudication on merits.”

4. In the above mentioned facts and circumstances, an important and preliminary point arises for consideration, with regard to the above mentioned matter as follows:-

“Whether this Court lacks jurisdiction to try the present Matter?”

5. **POINT :-** In the present case, the I Party has prayed to answer the points of dispute in favour of the workmen by correcting the date of birth of the claimant workman as 03.02.1958, in the service records of the II Party and consequently, to direct the II Party to reinstate with back wages and pass such other order or orders as deemed necessary to meet the ends of justice.

6. Further, this Tribunal by referring to the judgment of the Hon'ble Supreme Court of India dated 26.02.2016 in C.A. No. 9332-9333/2010 in the case of Nashik Workers Union Vs HAL has called upon the parties to examine and submit with regard to maintainability of the dispute on the ground that in respect of the dispute pertaining to HAL the appropriate government is the State Government.

7. Further, taking into consideration the above mentioned points and principles as laid down by the Lordships of the Hon'ble Supreme Court of India, this Court has no other alternative, except to follow the said judgement of the Hon'ble Supreme Court of India. In fact, the I Party has also not raised any appropriate, tenable suitable and proper objection, regarding the said details, in accordance with law. At the same time, this Court is not expressing any opinion on other issues raised by both the sides, as this Court lacks jurisdiction to entertain the present matter of this nature and also liberty is granted to the I Party to raise the dispute before the proper, competent and appropriate Judicial Forum/Tribunal/Court within 30 days from the date of receipt of the present Award passed by this Court, in the best interest of justice, equity and fair play. Accordingly, this point is answered. Hence, the following Award is passed:-

AWARD

This Tribunal has no jurisdiction to entertain the dispute raised by the I party, particularly, in the light of the above mentioned judgement passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik Workers Union Vs Hindustan Aeronautics Limited and the present matter suffers for want of jurisdiction before this Court and liberty is given to the I party to raise the dispute before the proper, competent and appropriate Judicial Forum/ Tribunal/Court, within 30 days from the date of receipt of the present Award, by adopting the procedure known under the law, in the best interest of justice, equity, good conscience and fair play and this Court has not expressed any opinion regarding the various other issues raised by both the parties, as the present matter has been disposed of, on the limited ground of jurisdiction point alone, and also, without costs, for the above mentioned facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 31st October, 2017)

V. S. RAVI, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2805.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मुख्य प्रबंधक (एचआर), हिंदुस्तान एयरोनॉटिक्स लिमिटेड बेंगलोर एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बेंगलोर के पंचाट (संदर्भ संख्या 03/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.11.2017 को प्राप्त हुआ था।

[सं. एल-42025/03/2017-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2805.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 03/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the Chief Manager (HR), Hindustan Aeronautics Ltd., Bangalore and their workman, which was received by the Central Government on 17.11.2017.

[No. L-42025/03/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

DATED : 2nd November, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

I.D. No. 03/2016

I Party

Sh. R. Surendra Babu,
S/o. Late R. Rajagopal,
No. G-1424, 4th Cross,
HAL Quarters, Marathahalli,
Bengaluru – 560037

Advocate for I Party:

M/s. S. B. Mukkannappa & Associates

II Party

The Chief Manager (HR) &
Disciplinary Authority, HAL,
Overhaul Division, Bengaluru
Complex, HRD, PB No. 1786,
Bengaluru - 560017

Advocates for II Party:

Mr. Swamy & Mr. Singh

1. The I Party has submitted in the claim statement as follows:-

The I Party prays this Court, to

- a) Set aside the order of dismissal dated 03.12.2013 and consequently reinstate the I Party into service with continuity of service with all other consequential benefits along with the back wages from the date of dismissal till the date of reinstatement under the facts and circumstances of the case.
- b) Pass such other order, orders this Court may deemed fit to grant.

2. However, in the Judgment passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik Workers Union Vs Hindustan Aeronautics Limited, it is clearly held as follows:- "As we have set aside the order passed in L.P.A. No. 84 of 2006 and opined that the 'appropriate Government' in relation to the respondent company (HAL) is the State Government, the matter has to be remitted to the High Court for fresh adjudication on merits."

3. In the above mentioned facts and circumstances, an important and preliminary point arises for consideration, with regard to the above mentioned matter as follows:- "Whether this Court lacks jurisdiction to try the present Matter?"

4. **POINT :-** In the present case, the I Party has prayed to Set aside the order of dismissal dated 03.12.2013 and consequently reinstate the I Party into service with continuity of service with all other consequential benefits along with the back wages from the date of dismissal till the date of reinstatement under the facts and circumstances of the case and also to pass such other order, this Court may deemed fit to grant in this case.

5. Further, this Tribunal by referring to the judgment of the Hon'ble Supreme Court of India dated 26.02.2016 in C.A. No. 9332-9333/2010 in the case of Nashik Workers Union Vs HAL has called upon the parties to examine and submit with regard to maintainability of the dispute on the ground that in respect of the dispute pertaining to HAL the appropriate Government is the State Government.

6. Further, taking into consideration the above mentioned points and principles as laid down by the Lordships of the Hon'ble Supreme Court of India, this Court has no other alternative, except to follow the said judgement of the Hon'ble Supreme Court of India. In fact, the I Party has also not raised any appropriate, tenable suitable and proper objection, regarding the said details, in accordance with law. At the same time, this Court is not expressing any opinion on other issues raised by both the sides, as this Court lacks jurisdiction to entertain the present matter of this nature and

also liberty is granted to the I Party to raise the dispute before the proper, competent and appropriate Judicial Forum/Tribunal/Court within 30 days from the date of receipt of the present Award passed by this Court, in the best interest of justice, equity and fair play. Accordingly, this point is answered. Hence, the following Award is passed:-

AWARD

This Tribunal has no jurisdiction to entertain the dispute raised by the I party, particularly, in the light of the above mentioned judgement passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik Workers Union Vs Hindustan Aeronautics Limited and the present matter suffers for want of jurisdiction before this Court and liberty is given to the I party to raise the dispute before the proper, competent and appropriate Judicial Forum/ Tribunal/Court, within 30 days from the date of receipt of the present Award, by adopting the procedure known under the law, in the best interest of justice, equity, good conscience and fair play and this Court has not expressed any opinion regarding the various other issues raised by both the parties, as the present matter has been disposed of, on the limited ground of jurisdiction point alone, and also, without costs, for the above mentioned facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 2nd November, 2017)

V. S. RAVI, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2806.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारत अर्थ मूवर्स लिमिटेड का प्रबंधन, कोलर गोल्ड फील्ड एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 03/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.11.2017 को प्राप्त हुआ था।

[सं. एल-42025/03/2017-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2806.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 03/2017) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Bharat Earth Movers Ltd., Kolar Gold Fields and their workman, which was received by the Central Government on 17.11.2017.

[No. L-42025/03/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 2nd November, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

C.R. No. 03/2017

I Party

Sh. Thirunavoukarasu,
S/o Late C Thooyamathy,
No. 1857, Chinnappa Compound,
Coronation Town,
Robertsonpet Post,
Kolar Gold Fields – 563122.

Advocates for I Party: Mr. Muralidhara
& Mr. M. Venkatappa

II Party

The Management of BEML Ltd,
Earth Movers Division, KGF
Complex, BEML Nagar,
Kolar Gold Fields – 563115.

1. Brief details mentioned in the Claim Statement are as follows:-

This is an ID filed under section 2-A of the Industrial Disputes Act 1947 read with 10-B of the Industrial Disputes (Central) Rules, stating that, the I Party being aggrieved by the order of dismissal dated 30.07.2015 passed against him by the II Party, approached the Asst. Labour Commissioner (C), Bangalore seeking his intervention and conciliation in the matter. The II Party though participated in the conciliation proceedings, has not filed any objection. Since there has been no prospect of a settlement, the Conciliation Officer recorded failure of the conciliation proceedings and issued Endorsement dated 23.03.2017 advising party to approach the jurisdictional Labour Court as per the amended provisions of Sec. 2(A)(2) of the Industrial Disputes Act 1947. Hence, I Party has come before this Court assailing the order of dismissal dated 30.01.2015 and claiming the relief of reinstatement and all other consequential benefits for the reasons mentioned in the claim statement. The I Party/Workman has been employed in the II Party as Welder on 05.04.2011. He has got a good record of service. There has been no adverse remarks against him either on his conduct or his work performance. All of a sudden, the II Party/Management placed I Party/Workman under suspension by order dated 09.07.2014 pending domestic enquiry. Thereafter, II Party issued charge sheet dated 02.02.2015 alleging therein that, as per the report received by them, he has indulged in an act of kidnapping Master K. Bhavan Prasad, aged 3 and half years, studying in LKG at Sacred Heart School, KGF who is the son of Sh. T. Kamaraj, Asst. General Manager, Fabrication Shop, E.M. Division on 04.07.2014. Further, the I Party by his letter dated 11.02.2015 denied the allegation made against him in the charge sheet. Further, in the Enquiry Officer's report it is held that, the I Party has been guilty of the charges of misconduct under Clause 21.3, 21.7 and 21.39 of the Certified Standing Orders of the Company. However, II Party has predetermined and they have been issued final order dated 30.07.2015 imposing the punishment of removal from service which does not disqualify for future employment. Further, the I Party/Workman submits that, the order of removal from service is unjust, and illegal for the reasons stated in the claim statement. The I Party/Workman submits that, the II Party/Management has removed him from service which is patently unjust and illegal. He has been entirely dependent on the job with the II Party/Management for his livelihood. He has no other source of livelihood to eke out a living for himself and his dependent family members. Therefore, the I Party/Workman prays this Court to set aside the order of removal from service dated 30.07.2015 passed against him by the II Party/Management as untenable in law and to direct the II Party/Management to reinstate him into his original post held by him with full back wages, continuity of service and all consequential benefits.

2. RPAD notice has been sent to II Party in Transaction No. A RK931312317 in dated 30.05.2017, through Department of Posts, India and also served acknowledgment received by this Court. Still no representation has been made on behalf of II Party and II Party also called absent, set exparte.

3. The following pertinent point that, arises for consideration in the present matter:-

“Whether, the I Party/Workman is entitled to get relief as prayed for in the Claim Statement for the reasons and grounds stated in the Claim Statement?”

4. **POINT :-** The I Party/Workman has examined himself as WW-1 and marked Ex W-1 to Ex W-6, as pointed out herein below. In the claim statement as well as in the evidence the I Party/ Workman has stated that, a false allegation has been made against him and the Criminal Court has also acquitted him as per the judgment enclosed as Ex W-6. On perusal of Ex W-6, it is seen that, the I Party/Workman has been acquitted by District and Sessions Court by the judgment dated 31.08.2017. Further, the I Party/Workman has pointed out in his evidence that, he has been targeted for victimization for his active participation in the legitimate trade union activities and the charges levelled against him are false, baseless and motivated and he has no other source of income and he is not gainfully employed. Further, as per Ex W-2 I Party/Workman has given explanation for the charge sheet and also stated that, written complaint is an after-thought mechanism and also requested for the dropping of the further proceedings in this case. Further, in the claim statement as well as in the evidence workman has clearly stated that, the termination notice and final order passed on behalf of II Party are not valid and there is perversity in the findings of the Enquiry Officer.

5. On perusal of record, it is seen that, already notice has been sent to II Party and also served to II Party. Hence, it is found that, in spite of giving sufficient and adequate chances by issuing notice of hearing to II party, the II Party remained absent. It is for the II Party to establish that, the II Party/Management has not violated any provisions of the Industrial Dispute Act. Further, the I Party has specifically stated in the affidavit that, he has suffered financial hardship and mental agony during the period of unemployment and all these years, since the order of removal, he has no other source of income to survive. Hence, the I Party has prayed to grant reinstatement, full back wages, continuity of service and other consequential benefits.

6. On careful perusal of materials brought on records, it is found that, II Party has not established that, the management has taken appropriate action as against I Party, in accordance with the principles of Natural Justice and also, I Party has established that, he is entitled to get relief as prayed for in the claim statement. Further, the II Party has not disproved the claim made by the I Party in accordance with law. Further, in Basti Sugar Mills Co. Ltd. Vs State

of U.P., (1979) 2 SCC 88, by V. Kishna Iyer, J: “Industrial Jurisprudence does not brook nice nuances and tortuous technicalities to stand in the way of just solutions reached in a rough and ready manner. Grim and grimy life-situations have no time for the finer manners of elegant jurisprudence.” Thus, the process of industrial adjudication is an onerous task being guided by the constitutional mandates and aiming at settlement of the industrial dispute on a fair and just basis, tested on the touchstone of social and economic justice. When an industrial dispute is raised, it is a commotion to be pacified by dispensing justice. In such adjudication, not just the right to equality and other Constitutional guarantees, but the aims and ideals of the Constitution enter into the consideration. It is the duty of the Courts to apply directive principles in interpreting the Constitution and the laws. Also, it is reported in Lloyds Bank Ltd Vs. Bundy, (1974) 3 All ER 757 that Lord Denning first clearly enunciated his theory of “inequality of bargaining power”. His Lordship began his discussion on this part of the case by stating (at page 763): “There are cases in our books in which the courts will set aside a contract, or a transfer of property, when the parties have not met on equal terms, when the one is so strong in bargaining power and the other so weak that, as a matter of common fairness, it is not right that the strong should be allowed to push the weak to the wall.” In the present case also, it is seen that, the II Party has not established the alleged misconduct committed by the I Party, as per the Principles of Preponderance of Probability and also, as per the Principles of Natural Justice, for the above mentioned various reasons.

7. Further, it is observed by the Hon’ble High Court of Karnataka, in W.P. No. 9974/2006 (L-TER), dated 07.01.2015, (Before Mr. Hon’ble Chief Justice D.H. Waghela and Mr. Hon’ble Justice Budihal. R. B), in the case of The Management of National Aerospace Laboratories Vs Engineering & General Workers Union and the Managing Directors, as follows:- “The jurisdiction of an Industrial Tribunal, therefore, is expansive and creative and not restricted to only enforcing or interpreting the contract of service or the extant legal provisions and it is not-fettered by the limitations of contracts and can even involve extension of existing agreement of the making of a new one, or in general, creation of new obligations or modification of old ones.” In the present case also, for the above mentioned facts and circumstances it is found that, I Party is entitled to get relief as prayed for in the claim statement for the reasons mentioned therein. Accordingly, this point is answered in favour of the I Party. Hence, the following Award is passed:-

AWARD

The II party/management is not justified in imposing the punishment of Removal from service on I party/Sh. T. Thirunavookarasu w.e.f. 30.07.2015, and the said II party is directed to reinstate the I Party, with full back wages, continuity of service and all other consequential benefits that he would have received in the absence of the impugned penalty of removal from service, and the present matters is ordered accordingly, without costs, for the above mentioned facts and circumstances of the matter.

(Dictated, transcribed, corrected and signed by me on 02nd November, 2017)

V. S. RAVI, Presiding Officer

List of Witness on the side of I Party:

WW 1	Sh. T. Thirunavookarasu, I Party/ workman
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Exhibit marked on behalf of I Party:

Exhibits	Date	Description of Document
Ex W-1	02.02.2015	Charge sheet issued to I Party by II Party
Ex W-2	11.02.2015	Explanation for Charge sheet
Ex W-3	26.06.2015	Reply to Report & findings of Enquiry Officer
Ex W-4	21.07.2015	Representation to Second Show Cause Notice
Ex W-5	30.07.2015	Termination Order issued to I Party by II Party
Ex W-6	31.08.2017	Judgment passed by District and Sessions Court in S.C. No. 96/2015

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2807.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, महाप्रबंधक (एचआरडी), भारत अर्थ मूवर्स लिमिटेड, बेंगलोर और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बेंगलोर के पंचाट (संदर्भ संख्या 13/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.11.2017 को प्राप्त हुआ था।

[सं. एल-14011/04/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2807.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 13/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in Annexure, in the industrial dispute between the employers in relation to the General Manager (HRD), Bharat Earth Movers Ltd., Bangalore and others and their workman, which was received by the Central Government on 17.11.2017.

[No. L-14011/04/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 1st November, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

C.R. No. 13/2014

I Party

The General Secretary,
BEML Contract Workers Union,
Bangalore Complex,
New Thippasandra Post,
Bangalore – 560075.

II Party

1. The General Manager (HRD),
Bharat Earth Movers Ltd.
Bangalore Complex,
New Thippasandra Post,
Bangalore-560075
2. The Management of M/s. Bejee Contractors,
C/o the BEML, Bangalore Complex,
New Thippasandra Post, Bangalore – 560075
3. The Management M/s. Creative Contractors,
C/o the BEML, Bangalore Complex,
New Thippasandra Post, Bangalore – 560075
4. The Management M/s. Amps Contracts,,
C/o the BEML, Bangalore Complex,
New Thippasandra Post, Bangalore – 560075

Advocates for I Party :

Mr. Clifton D' Rozario &
Mr. Raghupathi. S

AWARD

1. The Central Government vide Order No.L-14011/04/2014-IR(DU) dated 20.03.2014 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the charter of demands raised by the union and denial by the management is valid? If not, what relief can be given to the aggrieved workmen?”

2. Perused the materials on record. It is clearly stated in the letter dated 30.10.2017 signed by S.Govinda Raju, General Secretary as follows:- “Sub: Compliance Report of the terms and conditions of MOU dated 30.08.2017. In view of the settlement arrived at between the parties, copy of which is annexured herewith, we confirm that, the terms and conditions in this agreement are fully implemented. Hence, we are filing this Report of implementation stating that, the dispute is settled and we confirm that all the points of disputes raised in the claim statement are satisfied.” Further, the Memorandum of Settlement entered into between M/s. AMPS Facilities Management Services Pvt Ltd and Contract Labour (TCL Workers) Represented by BEML WCL Public Sector Workers Union, Bangalore Complex dated 30.08.2017 is enclosed as Annexure-A. Further, in the Memo of withdrawal dated 13.10.2017, it is stated as follows:- “The I Party herein has raised the above industrial dispute making various claims against the II Party. The I Party and II Party No. 2 to 4 had discussion and has arrived at a settlement before the conciliation officer and in the presence of II Party No.1 under section 12(3) r/w section 18(3) of the Industrial Act, 1947. A copy of the said settlement is produced herewith and marked as Annexure –A. Therefore, the I Party, most respectfully prays that, this Court may be pleased to record the settlement and to dismiss the dispute as not pressed in the interest of justice and equity.”

3. Today, S.Govinda Raju, General Secretary with Mob. 9620159192 present and also Ms. Divya, Senior Manager legal for II Party present and also confirmed the above mentioned details. On perusal of records it is seen that, the dispute is settled and the CR has to be dismissed as not pressed as per the memo of withdrawal dated 13.10.2017 filed on behalf of I Party.

AWARD

The Memo of Withdrawal dated 13.10.2017 and Compliance Report dated 30.10.2017 and Memorandum of Settlement dated 30.08.2017 are to be treated as the part of the present award for better and proper understanding of the settlement and the dispute is dismissed as not pressed, as per the request made in the memo of withdrawal dated 13.10.2017.

(Dictated, transcribed, corrected and signed by me on 01st November, 2017)

V. S. RAVI, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2808.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मुख्य प्रबंधक वित्त, हिंदुस्तान एयरोनॉटिक्स लिमिटेड, बेंगलूर एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 21/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.11.2017 को प्राप्त हुआ था।

[सं. एल-42025/03/2017-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2808.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 21/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in Annexure, in the industrial dispute between the employers in relation to the Chief Manager Finance, Hindustan Aeronautics Ltd., Bangalore and their workman, which were received by the Central Government on 17.11.2017.

[No. L-42025/03/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

DATED : 2nd November, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

I.D. No. 21/2015

I Party

Sh. R. Venkatesh,
S/o. M.S. Raman,
Residing at 2302, 6th 'B' Main,
MIG 3rd Stage,
Yelahanka New Town,
Bangalore - 560064

Advocates for I Party:

Mr. A.J. Srinivasan &
Ms. Sreedevi Srinivasan

II Party

Chief Manager Finance,
Hindustan Aeronautics Ltd,
Post Bag No. 7502,
New Tippasandra Post,
Bengaluru - 560075

Advocates for II Party:

Mr. Sundaraswamy & Mr. Ramdas

1. The I Party has submitted in the claim statement as follows:-

The I Party prays this Court, to Advice and direct the II Party Management to withdraw the order of dismissal dated 23.02.2015 which is illegal and unjustified and direct the II Party Management to reinstate the I Party workmen in his original post, with all consequential benefits like full back wages, continuity of service etc., to meet the ends of justice.

2. However, in the Judgment passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited, it is clearly held as follows:- "As we have set aside the order passed in L.P.A. No. 84 of 2006 and opined that the 'appropriate Government' in relation to the respondent company (HAL) is the State Government, the matter has to be remitted to the High Court for fresh adjudication on merits."

3. In the above mentioned facts and circumstances, an important and preliminary point arises for consideration, with regard to the above mentioned matter as follows:- "Whether this Court lacks jurisdiction to try the present Matter?"

4. **POINT :-** In the present case, the I Party has prayed to advice and direct the II Party Management to withdraw the order of dismissal dated 23.02.2015 which is illegal and unjustified and direct the II Party Management to reinstate the I Party workmen in his original post, with all consequential benefits like full back wages, continuity of service etc., to meet the ends of justice.

5. Further, this Tribunal by referring to the judgment of the Hon'ble Supreme Court of India dated 26.02.2016 in C.A. No. 9332-9333/2010 in the case of Nashik Workers Union Vs HAL has called upon the parties to examine and submit with regard to maintainability of the dispute on the ground that in respect of the dispute pertaining to HAL the appropriate government is the State Government.

6. Further, taking into consideration the above mentioned points and principles as laid down by the Lordships of the Hon'ble Supreme Court of India, this Court has no other alternative, except to follow the said judgement of the Hon'ble Supreme Court of India. In fact, the I Party has also not raised any appropriate, tenable suitable and proper objection, regarding the said details, in accordance with law. At the same time, this Court is not expressing any opinion on other issues raised by both the sides, as this Court lacks jurisdiction to entertain the present matter of this nature and also liberty is granted to the I Party to raise the dispute before the proper, competent and appropriate Judicial Forum/Tribunal/Court within 30 days from the date of receipt of the present Award passed by this Court, in the best interest of justice, equity and fair play. Accordingly, this point is answered. Hence, the following Award is passed:-

AWARD

This Tribunal has no jurisdiction to entertain the dispute raised by the I party, particularly, in the light of the above mentioned judgement passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9332-9333/2010, dated 26.02.2016, in the case of Nashik workers Union Vs Hindustan Aeronautics Limited and the present matter suffers for want of jurisdiction before this Court and liberty is given to the I party to raise the dispute before the proper, competent and appropriate Judicial Forum/ Tribunal/Court, within 30 days from the date of receipt of the present Award, by adopting the procedure known under the law, in the best interest of justice, equity, good conscience and fair play and this Court has not expressed any opinion regarding the various other issues raised by both the parties, as the present matter has been disposed of, on the limited ground of jurisdiction point alone, and also, without costs, for the above mentioned facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 2nd November, 2017)

V. S. RAVI, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2809.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, प्रिंसिपल, रीजनल इंस्टीट्यूट ऑफ एजुकेशन, भुवनेश्वर और अन्य एवं उनके कर्मचारी/संघ के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 29/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.11.2017 को प्राप्त हुआ था।

[सं. एल-42011/39/2016-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2809.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 29/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in Annexure, in the industrial dispute between the employers in relation to the Principal, Regional Institute of Education, Bhubaneswar and other and their workman, which was received by the Central Government on 23.11.2017.

[No. L-42011/39/2016-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present:**

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 29/2016

No. L-42011/39/2016-IR (DU), dated 06.05.2016

Date of Passing Order – 23rd October, 2017**Between:**

1. The Principal,
Regional Institute of Education, Po. RIE Campus,
Sachivalya Marg, Bhubaneswar-751 022.
2. Prof. A.K. Mohapatra, Warden,
Gopabandhu Hostel, Regional Institute of Education,
Po. Bhoi Nagar, Bhubaneswar-751 022

... 1st Party-Managements**(And)**

The President,
Regional Institute of Education Workers
Union, CITU, Odisha State Office, VR-5/1,
Unit-III, Kharvelanagar, Bhubaneswar-751 001

... 2nd Party-Union.**Appearances :**Shri S.K. Rout, Section Officer ... For the 1st Party-Management No.1 & 2.None ... For the 2nd Party-Union.**ORDER**

Authorized representative for the Managements is present whereas, the 2nd party-Union is found absent on repeated calls. After filing of statements/pleadings by the parties the case was fixed for filing of rejoinder and for settlement of issues. The record further reveals that despite several adjournments from time to time the 2nd party-Union failed to make its appearance or to take any step to participate in the proceeding. In the above back-drops and in

absence of the 2nd party-Union there is no alternative than to presume that either the Union has lost its interest to pursue the dispute for its judicial adjudication or there exists no further dispute between the parties. In the given situation I am constrained to return the reference to the Ministry for taking necessary action at their end.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2810.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, प्रिंसिपल, रीजनल इंस्टीट्यूट ऑफ एजुकेशन, भुवनेश्वर और अन्य एवं उनके कर्मचारी/संघ के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 30/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.11.2017 को प्राप्त हुआ था।

[सं. एल-42011/38/2016-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2810.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 30/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in Annexure, in the industrial dispute between the employers in relation to the Principal, Regional Institute of Education, Bhubaneswar and other and their workman, which was received by the Central Government on 23.11.2017.

[No. L-42011/38/2016-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 30/2016

No. L-42011/38/2016-IR (DU), dated 06.05.2016

Date of Passing Order – 23rd October, 2017

Between:

1. The Principal,
Regional Institute of Education, Po. RIE Campus,
Sachivalya Marg, Bhubaneswar-751 022.
2. Prof. A.K. Mohapatra, Warden,
Gopabandhu Hostel, Regional Institute of Education,
Po. Bhoi Nagar, Bhubaneswar-751 022

... 1st Party-Managements

(And)

The President,
Regional Institute of Education Workers
Union, CITU, Odisha State Office, VR-5/1,
Unit-III, Kharvelanagar, Bhubaneswar-751 001

... 2nd Party-Union.

Appearances :

Shri S.K. Rout, Section Officer ... For the 1st Party-Management No.1 & 2.

None ... For the 2nd Party-Union.

ORDER

Authorized representative for the Managements is present whereas, the 2nd party-Union is found absent on repeated calls. After filing of statements/pleadings by the parties the case was fixed for filing of rejoinder and for settlement of issues. The record further reveals that despite several adjournments from time to time the 2nd party-Union failed to make its appearance or to take any step to participate in the proceeding. In the above back-drops and in absence of the 2nd party-Union there is no alternative than to presume that either the Union has lost its interest to pursue the dispute for its judicial adjudication or there exists no further dispute between the parties. In the given situation I am constrained to return the reference to the Ministry for taking necessary action at their end.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2811.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, प्रिंसिपल, रीजनल इंस्टीट्यूट ऑफ एजुकेशन, भुवनेश्वर और अन्य एवं उनके कर्मचारी/संघ के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 31/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.11.2017 को प्राप्त हुआ था।

[सं. एल-42011/40/2016-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2811.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 31/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in Annexure, in the industrial dispute between the employers in relation to the Principal, Regional Institute of Education, Bhubaneswar and other and their workman, which was received by the Central Government on 23.11.2017.

[No. L-42011/40/2016-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present:**

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 31/2016

No. L-42011/40/2016-IR (DU), dated 06.05.2016

Date of Passing Order – 23rd October, 2017

Between:

1. The Principal,
Regional Institute of Education, Po. RIE Campus,
Sachivalya Marg, Bhubaneswar-751 022.
2. Prof. A.K. Mohapatra, Warden,
Gopabandhu Hostel, Regional Institute of Education,
Po. Bhoi Nagar, Bhubaneswar-751 022

... 1st Party-Managements

(And)

The President,
Regional Institute of Education Workers
Union, CITU, Odisha State Office, VR-5/1,
Unit-III, Kharvelanagar, Bhubaneswar-751 001

... 2nd Party-Union

Appearances :

Shri S.K. Rout, Section Officer ... For the 1st Party-Management No.1 & 2.

None ... For the 2nd Party-Union.

ORDER

Authorized representative for the Managements is present whereas, the 2nd party-Union is found absent on repeated calls. After filing of statements/pleadings by the parties the case was fixed for filing of rejoinder and for settlement of issues. The record further reveals that despite several adjournments from time to time the 2nd party-Union failed to make its appearance or to take any step to participate in the proceeding. In the above back-drops and in absence of the 2nd party-Union there is no alternative than to presume that either the Union has lost its interest to pursue the dispute for its judicial adjudication or there exists no further dispute between the parties. In the given situation I am constrained to return the reference to the Ministry for taking necessary action at their end.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2812.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, अध्यक्ष, ओएसएसपीएआरसी, उड़ीसा एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 68/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.11.2017 को प्राप्त हुआ था।

[सं. एल-42012/153/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2812.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 68/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in Annexure, in the industrial dispute between the employers in relation to the Chairman, OSSPARC, Orissa and their workman, which was received by the Central Government on 23.11.2017.

[No. L-42012/153/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present:**

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 68/2014**Date of Passing Award – 27th October, 2017****Between :**

The Chairman,
Orissa Shrimp Seed Production,
Supply and Research Centre (OSSPARC),
Gopalpur-on-Sea, Dist. Ganjam, Orissa – 760 001

...1st Party-Management

(And)

Shri Ashok Kumar Patra,
S/o. Late Sadananda Patra,
Nehru Nagar, 7th Lane, Brahmapur,
Dist. Ganjam, Orissa – 760 001

...2nd Party-Workman

Appearances :

Shri U.C. Mohapatra, Project Director	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Authorized representative for the 1st Party-Management is present so also the representative of the disputant workman. It is seen from the record that the case is lingering without any substantial hearing on account of non-compliance of the order dated 12.1.2017 of this Tribunal whereby the disputant workman is directed to deposit the 35% of the amount received by the him towards his V.R.S. It is pertinent to mention here that the present case is registered in the event of receipt of reference made by the Government of India, in the Ministry of Labour vide its letter No. L-42012/153/2014 (IR(DU)), dated 15.12.2014 in exercise of its power conferred by clause (d) of sub-section (1) of sub-section (1) and sub-section (2A) of Section 10 of the I.D. Act and the schedule of the reference is:-

“Whether the claim of the workman Shri Ashok Kumar Patra, Ex-Purchase Assistant for reinstatement of service on the ground of alleged illegal termination w.e.f. 31.3.2010 after receipt of VRS benefits from the employer Orissa Shrimp Seed Production, Supply and Research Centre (OSSPARC) is legal and justified? If yes, what relief the workman is entitled to?”

2. On being noticed the disputant workman submitted his statement of claim pleading inter-alia that he was appointed as Work Assistant with effect from 01.01.1994 in the organization of the Management and he was confirmed in the said post with effect from 1.1.1996 vide memorandum dated 20.8.2005 issued by the Management (Annexure-2). He continued in the said post of Work Assistant till 31.3.2010 when he and some others were retrenched in the guise of V.R.S. imposed on them forcibly. It is his further claim that they were not paid with financial benefits of such V.R.S. as per the fixation of pay by 6th C.P.C. though the pay fixation as set out by 6th C.P.C. is already in force in other Central Government offices and Undertakings. Prayer has been made in the statement of claim for reinstatement of the disputant workman along with back wages and other financial benefits treating the so-called forcible V.R.S. as illegal and amounting to illegal termination of his service.

3. The Management has resisted the claim of the disputant workman with a written statement that all the allegations raised by the disputant workman are not correct. The maintainability of the reference is also challenged. Keeping in view the decision of the Hon'ble Apex Court in the case between Rajibhai Bhikabhai Parmar & Ors. - versus- Reliance Industries Limited and Another reported in 2016 LLR 673. This Tribunal in its order dated 12.1.2017 directed the disputant workman to deposit at least 35% of the amount received towards financial benefits of the alleged V.R.S. on and before 2.3.2017. The disputant workman is yet to comply with the direction of this Tribunal despite the case having suffered four adjournments. On being asked the representative of the disputant workman submitted that the workman is not in a position to make any deposit of the amount as directed by the Tribunal. It is apparent from the pleadings and submissions of the parties that the alleged forceful un-employment of the disputant workman was due to V.R.S. accepted by the disputant workman. Whether such V.R.S. was volunteered or forceful would be determined in the award after taking the pleadings and evidence of the parties into consideration. The said V.R.S. exists in the eye of law till the same is declared illegal and invalid. It cannot be over-sighted that as per the settled principles the voluntary retirement once accepted in terms of the scheme or rules as the case may be, cannot be withdrawn. Further-more having regard to the financial benefits availed by the disputant workman and his unwillingness to make deposit 35% of such benefit despite direction of this Tribunal and keeping in view the decisions of the Hon'ble Apex Court in the case under reference I am of the opinion that the disputant workman is not competent to raise the dispute on his V.R.S. Furthermore, no person can blow hot and cold simultaneously i.e. accept the V.R.S. financial benefits and not prepared to refund a part of such benefit to challenge his V.R.S. as illegal and unjustified. In the above premises non-compliance of the order dated 12.1.2017 of this Tribunal amounts to default of the applicant. Hence, the Tribunal has no alternative than to return the reference without any adjudication and the reference is disposed of accordingly.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2813.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, अध्यक्ष, ओएसएसपीएआरसी, उड़ीसा एवं उनके कर्मचारी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 69/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.11.2017 को प्राप्त हुआ था।

[सं. एल-42012/154/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2813.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 69/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in Annexure, in the industrial dispute between the employers in relation to the Chairman, OSSPARC, Orissa and their workman, which was received by the Central Government on 23.11.2017.

[No. L-42012/154/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 69/2014

Date of Passing Award – 27th October, 2017

Between :

The Chairman,
Orissa Shrimp Seed Production,
Supply and Research Centre (OSSPARC),
Gopalpur-on-Sea, Dist. Ganjam, Orissa – 760 001

...1st Party-Management

(And)

Shri Purna Chandra Rao,
At./Po. Rangailunda, Via Bhanja Vihar,,
Brahmapur, Dist. Ganjam, Orissa – 760 001

...2nd Party-Workman

Appearances :

Shri U.C. Mohapatra, Project Director ... For the 1st Party-Management

None ... For the 2nd Party-Workman

ORDER

Authorized representative for the 1st Party-Management is present so also the representative of the disputant workman. It is seen from the record that the case is lingering without any substantial hearing on account of non-compliance of the order dated 12.1.2017 of this Tribunal whereby the disputant workman is directed to deposit the 35% of the amount received by the him towards his V.R.S. It is pertinent to mention here that the present case is registered in the event of receipt of reference made by the Government of India, in the Ministry of Labour vide its letter No. L-42012/154/2014 (IR(DU)), dated 15.12.2014 in exercise of its power conferred by clause (d) of sub-section (1) of sub-section (1) and sub-section (2A) of Section 10 of the I.D. Act and the schedule of the reference is:-

“Whether the claim of the workman Shri Purna Chandra Rao, Ex-Purchase Assistant for reinstatement of service on the ground of alleged illegal termination w.e.f. 31.3.2010 after receipt of VRS benefits from the employer Orissa Shrimp Seed Production, Supply and Research Centre (OSSPARC) is legal and justified? If yes, what relief the workman is entitled to”?

2. On being noticed the disputant workman submitted his statement of claim pleading inter-alia that he was appointed as Work Assistant with effect from 01.01.1994 in the organization of the Management and he was confirmed in the said post with effect from 1.1.1996 vide memorandum dated 20.8.2005 issued by the Management (Annexure-2). He continued in the said post of Work Assistant till 31.3.2010 when he and some others were retrenched in the guise of V.R.S. imposed on them forcibly. It is his further claim that they were not paid with financial benefits of such V.R.S. as per the fixation of pay by 6th C.P.C. though the pay fixation as set out by 6th C.P.C. is already in force in other Central Government offices and Undertakings. Prayer has been made in the statement of claim for reinstatement of the disputant workman along with back wages and other financial benefits treating the so-called forcible V.R.S. as illegal and amounting to illegal termination of his service.

3. The Management has resisted the claim of the disputant workman with a written statement that all the allegations raised by the disputant workman are not correct. The maintainability of the reference is also challenged. Keeping in view the decision of the Hon'ble Apex Court in the case between Rajibhai Bhikabhai Parmar & Ors. - versus- Reliance Industries Limited and Another reported in 2016 LLR 673. This Tribunal in its order dated 12.1.2017 directed the disputant workman to deposit at least 35% of the amount received towards financial benefits of the alleged V.R.S. on and before 2.3.2017. The disputant workman is yet to comply with the direction of this Tribunal despite the case having suffered four adjournments. On being asked the representative of the disputant workman submitted that the workman is not in a position to make any deposit of the amount as directed by the Tribunal. It is apparent from the pleadings and submissions of the parties that the alleged forceful un-employment of the disputant workman was due to V.R.S. accepted by the disputant workman. Whether such V.R.S. was volunteered or forceful would be determined in the award after taking the pleadings and evidence of the parties into consideration. The said V.R.S. exists in the eye of law till the same is declared illegal and invalid. It cannot be over-sighted that as per the settled principles the voluntary retirement once accepted in terms of the scheme or rules as the case may be, cannot be withdrawn. Further-more having regard to the financial benefits availed by the disputant workman and his unwillingness to make deposit 35% of such benefit despite direction of this Tribunal and keeping in view the decisions of the Hon'ble Apex Court in the case under reference I am of the opinion that the disputant workman is not competent to raise the dispute on his V.R.S. Furthermore, no person can blow hot and cold simultaneously i.e. accept the V.R.S. financial benefits and not prepared to refund a part of such benefit to challenge his V.R.S. as illegal and unjustified. In the above premises non-compliance of the order dated 12.1.2017 of this Tribunal amounts to default of the applicant. Hence, the Tribunal has no alternative than to return the reference without any adjudication and the reference is disposed of accordingly.

Dictated & Corrected by me.

B. C. RATH, Presiding officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2814.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, अध्यक्ष, ओएसएसपीएआरसी, उड़ीसा एवं उनके कर्मचारी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 71/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.11.2017 को प्राप्त हुआ था।

[सं. एल-42012/152/2014-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2814.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 71/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in Annexure, in the industrial dispute between the employers in relation to the Chairman, OSSPARC, Orissa and their workman, which was received by the Central Government on 23.11.2017.

[No. L-42012/152/2014-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 71/2014

Date of Passing Award – 27th October, 2017

Between :

The Chairman,
Orissa Shrimp Seed Production,

Supply and Research Centre (OSSPARC),
Gopalpur-on-Sea, Dist. Ganjam, Orissa – 760 001 ...1st Party-Management

(And)

Shri Prabhakar Mohanty,
S/o. Late Brundaban Mohanty,
Brahma Nagar-5, 1st Lane, Brahmapur,
Dist. Ganjam, Orissa – 760 001 ...2nd Party-Workman

Appearances :

Shri U.C. Mohapatra, Project Director ... For the 1st Party-Management
None ... For the 2nd Party-Workman

ORDER

Authorized representative for the 1st Party-Management is present so also the representative of the disputant workman. It is seen from the record that the case is lingering without any substantial hearing on account of non-compliance of the order dated 12.1.2017 of this Tribunal whereby the disputant workman is directed to deposit the 35% of the amount received by the him towards his V.R.S. It is pertinent to mention here that the present case is registered in the event of receipt of reference made by the Government of India, in the Ministry of Labour vide its letter No. L-42012/152/2014 (IR(DU), dated 15.12.2014 in exercise of its power conferred by clause (d) of sub-section (1) of sub-section (1) and sub-section (2A) of Section 10 of the I.D. Act and the schedule of the reference is:-

“Whether the claim of the workman Shri Prabhakar Mohanty, Ex-Purchase Assistant for reinstatement of service on the ground of alleged illegal termination w.e.f. 31.3.2010 after receipt of VRS benefits from the employer Orissa Shrimp Seed Production, Supply and Research Centre (OSSPARC) is legal and justified? If yes, what relief the workman is entitled to”?

2. On being noticed the disputant workman submitted his statement of claim pleading inter-alia that he was appointed as Work Assistant with effect from 01.01.1994 in the organization of the Management and he was confirmed in the said post with effect from 1.1.1996 vide memorandum dated 20.8.2005 issued by the Management (Annexure-2). He continued in the said post of Work Assistant till 31.3.2010 when he and some others were retrenched in the guise of V.R.S. imposed on them forcibly. It is his further claim that they were not paid with financial benefits of such V.R.S. as per the fixation of pay by 6th C.P.C. though the pay fixation as set out by 6th C.P.C. is already in force in other Central Government offices and Undertakings. Prayer has been made in the statement of claim for reinstatement of the disputant workman along with back wages and other financial benefits treating the so-called forcible V.R.S. as illegal and amounting to illegal termination of his service.

3. The Management has resisted the claim of the disputant workman with a written statement that all the allegations raised by the disputant workman are not correct. The maintainability of the reference is also challenged. Keeping in view the decision of the Hon’ble Apex Court in the case between Rajibhai Bhikabhai Parmar & Ors. - versus- Reliance Industries Limited and Another reported in 2016 LLR 673. This Tribunal in its order dated 12.1.2017 directed the disputant workman to deposit at least 35% of the amount received towards financial benefits of the alleged V.R.S. on and before 2.3.2017. The disputant workman is yet to comply with the direction of this Tribunal despite the case having suffered four adjournments. On being asked the representative of the disputant workman submitted that the workman is not in a position to make any deposit of the amount as directed by the Tribunal. It is apparent from the pleadings and submissions of the parties that the alleged forcible un-employment of the disputant workman was due to V.R.S. accepted by the disputant workman. Whether such V.R.S. was volunteered or forcible would be determined in the award after taking the pleadings and evidence of the parties into consideration. The said V.R.S. exists in the eye of law till the same is declared illegal and invalid. It cannot be over-sighted that as per the settled principles the voluntary retirement once accepted in terms of the scheme or rules as the case may be, cannot be withdrawn. Further-more having regard to the financial benefits availed by the disputant workman and his unwillingness to make deposit 35% of such benefit despite direction of this Tribunal and keeping in view the decisions of the Hon’ble Apex Court in the case under reference I am of the opinion that the disputant workman is not competent to raise the dispute on his V.R.S. Furthermore, no person can blow hot and cold simultaneously i.e accept the V.R.S. financial benefits and not prepared to refund a part of such benefit to challenge his V.R.S. as illegal and unjustified. In the above premises non-compliance of the order dated 12.1.2017 of this Tribunal amounts to default of the applicant. Hence, the Tribunal has no alternative than to return the reference without any adjudication and the reference is disposed of accordingly.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2017

का.आ. 2815.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, प्रिंसिपल, रीजनल इंस्टीट्यूट ऑफ एजुकेशन, भुवनेश्वर और अन्य एवं उनके कर्मचारी/संघ के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 28/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.11.2017 को प्राप्त हुआ था।

[सं. एल-42011/41/2016-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 27th November, 2017

S.O. 2815.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 28/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in Annexure, in the industrial dispute between the employers in relation to the Principal, Regional Institute of Education, Bhubaneswar and other and their workman, which was received by the Central Government on 23.11.2017.

[No. L-42011/41/2016-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present:**

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 28/2016

No. L-42011/41/2016-IR (DU), dated 06.05.2016/25.05.2016

Date of Passing Order – 10th October, 2017**Between:**

1. The Principal,
Regional Institute of Education,
Po. RIE Campus, Sachivalya Marg,
Bhubaneswar (Orissa)-751 022.
2. Prof. Animesh Mohapatra, Warden,
Gopabandhu Hostel, Regional Institute of
Education Campus, Po. Bhoi Nagar,
Bhubaneswar (Orissa)-751 022

... 1st Party-Managements**(And)**

The President, Regional Institute of
Education Workers Union, CITU,
Odisha State Office, VR-5/1, Unit-3,
Kharvela Nagar, Bhubaneswar (Orissa)-751 001

... 2nd Party-Union.**Appearances :**

None ... For the 1st Party-Managements
None ... For the 2nd Party-Union

ORDER

The Government of India in the Ministry of Labour & Employment has referred the present dispute existing between the employers in relation to the Management Regional Institute of Education and their workman represented through the Union in exercise of the powers conferred under clause (d) of sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) vide their Letter No. L-42011/41/2016-IR(DU), dated 06.05.2016/25.05.2016 to this Tribunal for adjudication.

2. It is revealed from the order sheet that the 2nd Party-Union has not appeared a single date before this Tribunal inspite of issue of regd. Notice to it on 5.8.2016. It has sent its statement of claim by post which was received on 13.10.2016 without any documents to substantiate its case. The 2nd Party-Union was also directed to take steps for issue of notice to the Managements for filing of written statement, but it did not take any step.

3. On the other hand, the 1st Party-Management did not file its written statement, though the 2nd Party-workman has served a copy of statement of claim on them through post.

4. It appears from the above acts of the parties that either they have lost their interest in the case or they might have resolved their disputes amicably out of the Court. In the given circumstances, a no-dispute award is required to be passed and accordingly a no-dispute award is passed in the case.

5. The reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2017

का.आ. 2816.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 12/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 6th December, 2017

S.O. 2816.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 12/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 30.11.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD**

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 11th day of October, 2017

INDUSTRIAL DISPUTE L.C. No. 12/2008

Between:

Sri Gulla Ramesh,
S/o Odelu,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad

...Petitioner

AND

1. The Chief General Manager,
M/s. Singareni Collieries Company Ltd.,
Ramagundam Area-II, Ramagundam.
Karimnagar District.
2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
GDK-10 Incline, Ramagundam,
Karimnagar District.

...Respondents

Appearances:

- For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates
- For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri Gulla Ramesh who worked as Welder (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. RG2/PER/CF/GR/1411 dated 15.6.2006 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows:**

The Petitioner was initially appointed as Welder on 1.12.1994 and he has been continuing in service without any adverse remarks. While the matters stood thus, charge sheet dated 15.6.2006 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 2004, which amounts to misconduct under company's Standing Order No.25.25. It is also stated that the charge sheet was sent to the Petitioner's house which was returned undelivered, and as such a paper advertisement was issued, advising the Petitioner to attend for enquiry, and as the Petitioner did not attend the enquiry on the scheduled date, an ex-parte enquiry was conducted and he was dismissed from service. It is stated that the Petitioner was accompanied his father to various hospitals for better medication as his father met with a road accident during the year 2004, and was undergoing treatment in his native village and he was not aware of either issuance of charge sheet or any publication made by the Respondents in the newspapers. The Petitioner could have certainly participated in the enquiry, if really he was in receipt of the charge sheet or notice of paper publication. It is stated that the Petitioner was unable to perform his duties regularly during the year 2004 only on account of his ill-health, father's ill-health and other family problems, for this he could not attend his duties sincerely, but without considering any of his submissions, the Petitioner was dismissed from service vide office order dated 15.6.2006. It is also stated that the action of the Respondents' management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered about 20 years of continuous service in the Respondents' management. He remained absent from duty only on account of his sickness and family problems which ought not to have been treated as a serious misconduct. The Petitioner made the above stated submissions, but without considering any of his submissions, the Petitioner was dismissed from service vide office order dated 15.6.2006. The Petitioner approached the Respondents to consider his case sympathetically but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. RG2/PER/CF/GR/1411 dated 15.6.2006 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. **The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 1.12.1994 as a Welder. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner had remained absent unauthorizedly from duty without sufficient cause on a number of days and attended four days for duty during the calendar year 2004. A charge sheet was sent to his last known home address as per the procedure as he was not attending for duty, which was returned undelivered. Subsequently, the same was published in Vaartha Telugu daily newspaper dated 9.11.2005 advising the Petitioner to attend an enquiry fixed on 17.11.2005. The Petitioner neither submitted any explanation to the charge sheet nor attended the enquiry, as such an ex-parte enquiry was conducted on 17.11.2005 wherein the charges levelled against the Petitioner were proved. The

enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings made in the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record, and found that there was no extenuating circumstances to take a lenient view and lastly, Respondent No.1 was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 13.7.2010.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Gulla Ramesh is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to his father's treatment and family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, father's treatment and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 41 years, he is now aged about 50 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, at least one chance should be given to him for his reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked under the Respondents. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Gulla Ramesh is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Gulla Ramesh is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances

atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. RG2/PER/CF/GR/1411 dated 15.6.2006 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri Gulla Ramesh be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 11th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 6 दिसम्बर, 2017

का.आ. 2817.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 30/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 6th December, 2017

S.O. 2817.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 30/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 30.11.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****Present : Sri Muralidhar Pradhan, Presiding Officer**

Dated : the 11th day of October, 2017

INDUSTRIAL DISPUTE L.C. No. 30/2008**Between:**

Sri Md. Sajjad Ali,
S/o Meer Ali,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad

...Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri,
Adialabad District.
2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
SK Mine, Mandamarri Area, Mandamarri,
Adialabad District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri Md.Sajjad Ali who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. MMR/PER/D/072/774 dated 4.2.2007 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

The Petitioner was initially appointed as General mazdoor in the year 1988 and was regular to his duties till the year 2001. During the year 2002 the Petitioner suffered from spinal pain and Lumbargo & infective hepatitis and further, from 1.1.2003 to 13.2.2004 he was unable to perform duties due to severity of spinal card pain and white jaundice. While the matters stood thus, charge sheet dated 19.2/07.03.2002 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 2003, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. MMR/PER/D/072/774 dated 4.2.2007. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 2003, as it was only on account of his ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 15 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. MMR/PER/D/072/774 dated 4.2.2007 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to

reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 18.4.1988 as General Mazdoor. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 20.7.2010.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Md.Sajjad Ali is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness and family problems, the Petitioner could not be able to attend his duty sincerely. He was getting treatment in company's area hospital. Even in his show cause the Petitioner has mentioned the above fact but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. But the authority has not considered any of the submissions of the Petitioner, and has imposed capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, after the death of the father of the Petitioner, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 45 years, he is now aged about 54 years and is searching ways and means to provide bread and butter to his family members. The Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward at the age of 54 years to work under the Respondents, and in the mean time 9 (Nine) years have elapsed, maximum the Petitioner can work for 4 to 5 years only. In such a circumstances, atleast one chance should be given to him for his reinstatement into service in order to get all his terminal benefits. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for about 15 years

under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Md.Sajjad Ali is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Md.Sajjad Ali is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. MMR/PER/D/072/774 dated 4.2.2007 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri Md.Sajjad Ali be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 11th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 6 दिसम्बर, 2017

का.आ. 2818.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 37/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 6th December, 2017

S.O. 2818.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 37/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 30.11.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 13th day of October, 2017

INDUSTRIAL DISPUTE L.C. No. 37/2007**Between:**

Sri M. Radha Krishna,
S/o Posham,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad

...Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
IK & CHNR Incline, Srirampur,
Adilabad District.
2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
Chennur-2 Incline, Srirampur,
Adilabad District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates
For the Respondent : Sri M.V. Hanumantha Rao, Advocate

AWARD

Sri M. Radha Krishna who worked as Badli Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. SRP/PER/13.008/5167 dated 11.7.2006 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deem fit.

2. **The averments made in the petition in brief are as follows:**

The Petitioner was initially appointed as Badli Filler on 17.5.2002 on compassionate grounds and was regular to his duties, but during the year 2004, the Petitioner suffered with ill-health and other family problems. The Petitioner's sister expired in the year 2004. The Petitioner submitted that his mother was under deep grief on account of death of her daughter and husband within a short span. While the matters stood thus, one charge sheet dated 20.4.2005 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 2004 which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to

put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. SRP/PER/13.008/5167 dated 11.7.2006. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the above said period as it was only on account of his ill-health and other family problems. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered two years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. SRP/PER/13.008/5167 dated 11.7.2006 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 16.5.2002 as Badli Coal Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates for the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. The domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 11.8.2011.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri M. Radha Krishna is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness and family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show-cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed.

After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 31 years, he is now aged about 41 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for two years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri M. Radha Krishna is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri M. Radha Krishna is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. SRP/PER/13.008/5167 dated 11.7.2006 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri M. Radha Krishna be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in case the workman completes the one year probation period successfully he will continue in service till the age of his superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 13th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 6 दिसम्बर, 2017

का.आ. 2819.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 45/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 6th December, 2017

S.O. 2819.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 45/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 30.11.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 16th day of October, 2017

INDUSTRIAL DISPUTE L.C. No. 45/2009

Between:

Sri K. Narsinga Rao,
S/o Narsaiah,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad

...Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
RG-I Area, Godavaridhani,
Karimnagar District.
2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
GDK-2A Incline, Godavaridhani,
Karimnagar District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates
For the Respondent : Sri S.M. Subhani, Advocates

AWARD

Sri K. Narsinga Rao who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. RG.I/PER/S/46/748 dated 6.2.2006 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

The Petitioner was initially appointed as badli filler and later he was promoted as Coal Filler and further he was promoted as Coal Cutter. The Petitioner was regular to his duties till the year 2003. During the year 2004 the Petitioner suffered from gout problem and under gone treatment from company's hospital also. While the matters stood thus, charge sheet dated 16.4.2005 was issued to the Petitioner by the Respondents alleging that the Petitioner absented from duty during the year 2004, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. RG.I/PER/S/46/748 dated 6.2.2006. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 2004, as it was only on account of his ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 27 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. RG.I/PER/S/46/748 dated 6.2.2006 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 13.3.1977 as Badli Coal Filler and he was promoted as Coal Cutter w.e.f. 19.2.1982. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show-cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner stating that the Petitioner is not interested to pursue the legality and validity of the domestic enquiry conducted in the present case, and let the case be disposed of on merit basing on the evidence available in the record, vide order dated 3.6.2016, the domestic enquiry conducted in this case was held valid and legal. Bth the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

5. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri K. Narsinga Rao is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

6. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness and family problems, the Petitioner could not be able to attend his duty sincerely. He was getting treatment in company's area hospital. Even in his show-cause the Petitioner has mentioned the above fact but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have

considered his case while imposing capital punishment. But the authority has not considered any of the submissions of the Petitioner, and has imposed capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

7. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

8. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, after the death of the father of the Petitioner, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, and has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 35 years, he is now aged about 44 years and is searching ways and means to provide bread and butter to his family members. The Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward at the age of 44 years to work under the Respondents. In such a circumstances, atleast one chance should be given to him for reinstatement into service in order to get all his terminal benefits. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for about 27 years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri K. Narsinga Rao is not legal and justified.

Thus, Point No.I is answered accordingly.

9. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri K. Narsinga Rao is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. RG.I/PER/S/46/748 dated 6.2.2006 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri K. Narsinga Rao be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in case the workman completes the probation period of one year he will be allowed to continue in service till the date of his superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 16th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 6 दिसम्बर, 2017

का.आ. 2820.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 57/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 6th December, 2017

S.O. 2820.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 57/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 30.11.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 11th day of October, 2017

INDUSTRIAL DISPUTE L.C. No. 57/2007**Between:**

Sri Kola Satish,
S/o Late K. Rama Swamy,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad

...Petitioner

AND

1. The Project Officer,
M/s. Singareni Collieries Company Ltd.,
Bhupalpally,
Warangal District.
2. The Dy. General Manager,
M/s. Singareni Collieries Company Ltd.,
KTK-1 Incline, Bhupalpally,
Warangal District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates
 For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri Kola Satish who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. RG.I/PER/S/16/5748 dated 3.11.2003 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

The Petitioner was initially appointed as badli filler on 23.1.2002 and he has been continuing in service without any adverse remarks. While the matters stood thus, charge sheet dated 16.1.2003 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 2002, which amounts to misconduct under company's Standing Order No.25.25. It is also stated that the charge sheet was sent to the Petitioner's house which was returned undelivered, and as such a paper advertisement was issued, advising the Petitioner to attend for enquiry, and as the Petitioner did not attend the enquiry on the scheduled date, an ex-parte enquiry was conducted and he was dismissed from service. The Petitioner was undergoing treatment in his native village and he was not aware of either issuance of charge sheet or publication of notice made by the Respondents in the newspapers. The Petitioner could have certainly participated in the enquiry, if really he was in receipt of the charge sheet or notice of paper publication. It is stated that the Petitioner was unable to perform his duties regularly during the year 2002 only on account of his ill-health and other family problems, for this he could not attend his duties sincerely, but without considering any of his submissions, the Petitioner was dismissed from service vide office order dated 3.11.2003. It is also stated that the action of the Respondents' management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered continuous service in the Respondents' management. He remained absent from duty only on account of his sickness and family problems which ought not to have been treated as a serious misconduct. The Petitioner made the above stated submissions, but without considering any of his submissions, the Petitioner was dismissed from service vide office order dated 3.11.2003. The Petitioner approached the Respondents to consider his case sympathetically but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. RG.I/PER/S/16/5748 dated 3.11.2003 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 23.1.2002 as Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner had remained absent unauthorizedly from duty without sufficient cause on a number of days and attended four days for duty during the calendar year 2002. A charge sheet was sent to his last known home address as per the procedure as he was not attending for duty, which was returned undelivered. Subsequently, the same was published in Vaartha Telugu daily newspaper dated 11.4.2003 advising the Petitioner to attend an enquiry fixed on 22.4.2003. The Petitioner neither submitted any explanation to the charge sheet nor attended the enquiry, as such an ex-parte enquiry was conducted on 22.4.2003 wherein the charges levelled against the Petitioner were proved. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings made in the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record, and found that there was no extenuating circumstances to take a lenient view and lastly, Respondent No.1 was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 26.6.2009.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Kola Satish is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to ill-health and family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing severe punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 25 years, he is now aged about 35 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked already under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Kola Satish is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Kola Satish is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. RG.I/PER/S/16/5748 dated 3.11.2003 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri Kola Satish be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 11th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2821.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ सं. 59/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.12.2017 को प्राप्त हुआ था।

[सं. एल-31011/07/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th December, 2017

S.O. 2821.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the management of Mumbai Port Trust and their workmen, received by the Central Government on 07.12.2017.

[No. L-31011/07/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : M.V. DESHPANDE, Presiding Officer

REFERENCE NO.CGIT-2/59 of 2010

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

MUMBAI PORT TRUST

The Chairman,
Mumbai Port Trust, Port House,
Ballard Estate,
Mumbai – 400 038.

AND**THEIR WORKMEN**

The Secretary,
Mumbai Port Trust Dock & General
Employees Union,
Port Trust Kamgar Sadan,
Nawab Tank Road,
Mazgaon Mumbai – 400 010.

APPEARANCES :

FOR THE EMPLOYER : Mr. Umesh Nabar, Advocate

FOR THE WORKMEN : Mr. S.R. Apraj, Representative

Mumbai, dated the 6th September, 2017.

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-31011/07/2010 – IR (B-II) dated 08.09.2010. The terms of reference given in the schedule are as follows :

“Whether the demand of Mumbai Port Trust Dock and General Employees Union, Mumbai for grant of Pay Scale of Rs. 4160-7820 with effect from 0.01.2007 to Shri G.K. Makwana, Laboratory Assistant, Port Trust Hospital, Medical Department, Mumbai Port Trust is legal, just and proper ? What relief the workman concerned is entitled to ?”

2. After the receipt of the reference, both the parties were served with the notices. Matter was fixed for cross examination of WW-1. Today second party Union filed application Ex.16 stating that they may be permitted to withdraw the above reference. Therefore they prayed that the reference is to be disposed off as withdrawn. Accordingly I pass the following order.

ORDER

Reference is disposed of as withdrawn.

Date: 06.09.2017

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2822.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सैन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ सं. 06/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.12.2017 को प्राप्त हुआ था।

[सं. एल-12011/80/2008-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th December, 2017

S.O. 2822.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2009) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 07.12.2017.

[No. L-12011/80/2008-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

Reference : No. 06/2009

Employer in relation to the management of Central Bank of India

AND

Their workman

Present : Shri R. K. Saran, Presiding Officer**Appearances:**

For the Employers : Shri R. Ranjan, Advocate

For the workman : None

State : Jharkhand

Industry : Banking

Dated- 26/07/2017

AWARD

By order No. L-12011/80/2008-IR(B-II) dated 05/02/2009, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of Management of Central Bank of India in not regularizing Sri Nirbhay Kumar is fair and proper? What relief he is entitled to ?

2. After receipt of the reference, both parties are noticed. But none appears on behalf of the sponsoring Union/workman. Management is present. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2823.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. वेस्टर्न इंडिया शिपयार्ड लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुंबई के पंचाट (संदर्भ सं. 21/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.12.2017 को प्राप्त हुआ था।

[सं. एल-36011/7/2006-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th December, 2017

S.O. 2823.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2007) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the management of M/s. Western India Shipyard Ltd. and their workmen, received by the Central Government on 07.12.2017.

[No. L-36011/7/2006-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT :** M.V. DESHPANDE, Presiding Officer**REFERENCE NO.CGIT-2/21 of 2007**

EMPLOYERS IN RELATION TO THE MANAGEMENT OF**M/S. WESTERN INDIA SHIPYARD LTD.**

The Managing Director,
M/s. Western India Shipyard Ltd.,
Mormugao Harbour,
Mormugao,
Goa – 403 802.

AND**THEIR WORKMAN**

The General Secretary,
Goa Trade & Commercial Workers Union,
Velho's Building, 2nd Floor,
Opp. Municipal Garden, Panaji,
Goa – 403 001.

APPEARANCES:

FOR THE EMPLOYER : Shri Subhas N. Kerkar, Advocate

FOR THE WORKMAN : Shri Suhas Naik, Representative

Camp Goa, dated the 12th September, 2017

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-36011/7/2006 – IR (B-II) dated 05.06.2007. The terms of reference given in the schedule are as follows:

“Whether the action of the management of M/s. Western India Shipyard Ltd. Goa in dismissing Shri Rajendra Haldankar, Assistant AVD from employment w.e.f. 16.12.2005 is legal and justified?. If not, to what relief the workman is entitled to?”

2. After the receipt of the reference, both the parties were served with the notices. They appeared through their respective representatives.

3. Concerned workman has filed Statement of Claim vide Exhibit-7 contending therein that he was employed in western Shipyard Ltd. as a permanent workman. He has a clean and unblemished past service record.

4. According to the concerned workman he has not committed an act of misconduct. The allegations made against him are totally false. He was undergoing medical treatment at ES I hospital Morgao for skin rash and the medical certificate along with the fitness certificate is submitted by him. But the management did not consider his reply and conducted enquiry against him by violating all the norms of Principles of Natural Justice and then deliberately terminated the services of wef 16/12/2005. The dismissal of his service wef from 16/12/2005 is illegal unjustified and bad in law.

5. According to the concerned workman he has filed detailed reply to the Charge Sheet and denied each and every allegation. However the management did not consider his reply and proceeded to conduct the enquiry by appointing Mr. A.M. Gaikwad as Enquiry Officer. Enquiry conducted by Mr. Gaikwad was a farce and enquiry was conducted in haste without affording him reasonable opportunity to defend himself. The Enquiry Officer failed to explain the procedure of the enquiry to him. The Enquiry Officer did not allow him to get himself defended by the Defense Representative of his choice. The Enquiry Officer did not allow him to cross examine the management witness. He was forced to file the affidavit by way of Evidence. As such the enquiry conducted by Enquiry Officer was in total violation of Principles of Natural Justice without affording him a proper and a reasonable opportunity to defend himself. As such the enquiry is not fair and proper.

6. It is also a case of concerned workman that the findings submitted by the Enquiry Officer (EO) are totally perverse. The findings are mechanically given in favour of the management which is prepared at the behest by the

management and under the influence of management. No charge as mentioned in Charge sheet dt. 13/6/2005 is proved against him. The workman submits that immediately after the dismissal letter he filed a Memo of Appeal before the Managing Director on 20/6/2006. However, said Memorandum of Appeal was not considered by the Managing Director. As such he raised an Industrial Dispute by letter dated 6/3/2006 before Assistant Labour Commissioner (C) Government of India, Vasco-da-Gama, Goa in the matter of illegal dismissal of services. However, the management failed to attend the conciliating proceedings held by the ALC Central. As matter could not be resolved despite various proposals by the Assistant Labour Commissioner (C), the matter ended in failure of conciliation on 20/8/2006. Conciliation officer submitted the failure report and the Government of India have referred this dispute to this Tribunal.

7. Second party employer resisted the claim by filing Written Statement Exhibit-13 contending therein that the concerned workman was issued Trainee appointment letter on 19/5/1997 mentioning therein that he has been selected as Trainee Purchase Assistant and he has joined the Company on 1/6/1997. Further company has issued probationary appointment letter dt 1/7/1998 to the concerned workman and was confirmed in the services of the company wef 1/1/1999.

8. It is also a case of the second party that in 2001, company has issued show cause notice dt 16/4/2001 to the concerned workman on the complaint received by the HOD of his department vide his letter dated 14/4/2001 for being absent on duty on 7/4/2001 and 14/4/2001 without prior sanction from the HOD (Head of Department). Company has issued a warning letter dated 18/4/2001 informing concerned workman that the reply submitted by him is not satisfactory and warned him to refrain from such misconduct in future, failing which management shall be constrained to take serious action including termination of his services.

9. Again company has issued notice to the concerned workman vide letter dated 31/8/2001 for the act of misconduct and warned him to refrain from such misconduct in future. In 2004 also company had again issued a show-cause notice dated 4/5/2004 to the concerned workman for remaining absent on 3/5/2004 & 4/5/2004 without information and prior permission of the company. Again company issued a show-cause notice vide dated 15/11/2004 for remaining absent on 8/11/2004, 10/11/2004 and 15/11/2004 without prior sanctioning of leave or any intimation to the concerned authority. In 2005 again company has issued show-cause notice dated 24/4/2005 to the concerned workman for leaving the place of work without permission/information. Company has issued show-cause notice dated 9/5/2005 to concerned workman for reporting late, leaving early and remaining absent, on the respective dates mentioned in the letter. Lastly company has issued show-cause notice vide letter dated 6/6/2005 to the concerned workman for reporting to the work under the influence of alcoholic drink and leaving the place of work without proper permission and official intimation to the concerned officer of the company on 3/6/2005. The letter was issued to the concerned workman on 9/5/2005 informing him that company has decided to hold an enquiry into the charges leveled against him as per the clause 28(26) of the Standing order of the company. It was informed to him that Mr. Gaikwad has appointed as Enquiry Officer and Mr. RakeshBharty has been appointed as Presenting Officer to conduct enquiry.

10. Company has issued Charge sheet vide letter dt 13/6/2005 under clause 28(05), 28(09), 28(26) and 28(51) of the Standing order of the company for drunkenness/riotous/disorderly/indecent behavior within the precincts of the Company for reporting to work under the influence of alcoholic drink, remaining absent from the duty without authorized leave or official intimation, and for the act subversive of discipline. The concerned workman was also informed to bring his witnesses, documentary evidence in his defense.

11. According to the second party employer the concerned workman has admitted his guilt on his own free will and asked for apology. During the enquiry proceedings both the parties were heard and allowed to examine and cross examine the witnesses of either parties. Both the parties had presented their submission before the said enquiry proceedings and enquiry officer has delivered his findings dated 17/10/2005. The concerned workman has fully participated in the inquiry. As such the enquiry proceedings held against the concerned workman is fair and proper by following the Principles of Natural Justice. The concerned workman was allowed to be represented by person of his choice including any co-worker. According to the second party employer having regard to the gravity of misconduct found proved against the workman and considering the past record of the workman and to enforce discipline as per the Standing orders in force service of the concerned workman were dispensed wef 16/12/2005. The charges proved against the workman are such grave and severe, that the action of the management of dismissal is proper and proportionate to the misconducts. Second party has sought the dismissal of the Reference.

12. Concerned workman filed rejoinder Exhibit-15 and reiterated that he never reported the work under influence of alcohol. No Charge sheet issued against him. It is submitted that the enquiry was conducted in gross violation of Principles of Natural Justice without giving any opportunity to defend him. He is therefore asking for reinstatement with full back wages, continuity in service and all other consequential benefits.

13. Following issues are framed at Ex.16. I produce the issues along with my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
1.	Is enquiry fair and proper?	Yes
2.	Is finding perverse?	No
3.	Is punishment proportionate to the charges proved?	Yes
4.	What Order?	As per final order

REASONS

ISSUE NO. 1&2:-

14. It can be seen from the document at Sr No. 1 below list Exhibit-20(Exhibit-33) that the concerned workman was appointed as Trainee Purchase Assistant and subsequently he was confirmed in the services of the company wef 1/1/1999. We have documents to show that Show-cause notice was issued to him for remaining absent from duty without prior sanction of HOD. As a matter of fact warning letter was issued dated 18/4/2001 whereby he was warned to refrain from such misconduct in future, failing which the management shall be constrained to take serious action including termination of his services. Again Show-cause notice was issued to him vide Exhibit-35 asking him the explanation about the act of misconduct while on duty. And again vide Exhibit-36 he was again issued a letter for his absence on duty without prior permission and without information wef 3/5/2004. Exhibit-37 is a letter issued to the concerned workman for his absence on duty without prior sanctioning of leave or any intimation to the concerned authority on 8/11/2004, 10/11/2004 and 15/11/2004. Exhibit-38 is again a letter issued to him for his act of misconduct of leaving the place of work without permission. Exhibit-39 is also a letter issued to him for his misconduct of reporting late and leaving early and remaining absent on duty. From this documentary evidence it can be seen that even the past record the concerned workman was not unblemished and at times, notices and warnings were issued to him for the alleged misconduct as are mentioned in these letters.

15. Even then according to the concerned workman he had worked with the company with unblemished past service record. This sort of the evidence workman does not appear to be acceptable, in view of documents refer to above showing that off and on the notices and Show cause notices were served on him for his alleged misconduct.

16. Again it is a matter of record that the concerned workman was issued letter informing that in respect of his alleged misconduct inquiry will be conducted for which the Enquiry Officer and Presenting Officer were appointed. Even the date of inquiry was communicated to him, by informing him that the enquiry into the charge-sheet issued to him dated 9/5/2005 will be conducted on 25/6/2005 at 10.00 am in the Personnel Department, WISL, Mormugao Harbour, Goa and he was also informed to bring his witnesses, documentary evidence etc. in his defence.

17. On-going through the enquiry proceedings it appear that the Charge sheet was issued to him under clause 28(26) for his absence from work during working hours without any information or permission from superiors. This Charge-sheet at Exhibit-41 specifically mentions that Mr. M Gaikwad was appointed as Enquiry Officer and Mr. Rakesh Bhartiya has been appointed as Presenting Officer and then he was informed that during the course of inquiry will be given full opportunity to defend his case and shall be allowed to defend him by any of his co-worker.

18. As per Exhibit-42 the alleged misconduct refers to clause 28(5) with allegation of Drunkenness or riotous or disorderly or indecent behavior. It also refers to clause 28(9) for alleged possession or use of alcoholic drink. It also refers to clause 28(26) in respect of his absence from work during working hours without any permission of superiors. It also refers to Clause 28(51) in respect of any act of subversive of discipline. The concerned workman in his evidence has admitted that the enquiry was conducted in the premises of company within two months and he attended the enquiry proceedings. He even admits that he has not raised any objection in writing regarding the appointment of Mr. Gaikwad as Enquiry Officer. As per his own admission he gave letter dated 24/6/2005 praying for apology and also to take lenient view. He also admits that in the past he received warning letters and he replied the same. As per his own admission he was absent on duty on 14/4/2001 and explanation given by him to the effect that he presumed that on that day it was holiday. Even he admits that company has issued letter 31/8/2001 complaining about his outrageous behavior during duty hours. As per his own admission he has filed affidavit by way of evidence in enquiry proceeding. In view of all these admissions it can be gathered that the concerned workman was given opportunity to defend himself. He has attended the enquiry proceedings. He has filed his affidavit by way of evidence. And then he was also present during inquiry proceedings. He admitted the guilt and prayed for apology. Once it has come on record that he was admitted the guilt and prayed for apology now it does not lie in the mouth of workman that the enquiry was not fair and proper and no opportunity was given to him to defend himself. On the contrary when he admits that he has filed

affidavit, he attended the proceedings and signed on enquiry proceedings on the respective dates, then his evidence to the effect that the enquiry was farce and he was not given opportunity to defend himself and enquiry was conducted in haste without affording him opportunity to defend himself is nothing but a lame excuse on his part which is not acceptable.

19. On the contrary witness of the second party employer has proved not only that the past record of workman was unblemished but his evidence is sufficient to come to the conclusion that the enquiry was conducted in accordance with the Principles of Natural Justice. The management witnesses were cross examined at length and the concerned workman has also given his evidence in the inquiry and he was allowed to represent by the person of his own choice. It was simply suggested to him in his cross examination that no charge of whatsoever of nature has been proved against the concerned workman. But then the fact remains that his evidence remained unshaken.

20. Even ongoing though the report of the Enquiry Officer. It can be seen that his findings are based on evidence; it appears that he has explained the procedure of enquiry to the concerned workman. Evidence of the concerned workman was also recorded the documents are being taken into consideration and then the signatures of the workman were also obtained on the enquiry proceedings. As such the inquiry report clearly goes to show that the enquiry was conducted by following the Principles of Natural Justice. It also appears that whenever the representative of the union was not present the matter was adjourned and notices were issued in order to give the opportunity to the workman to defend himself. From the enquiry proceedings it can be gathered that the enquiry was conducted in fair and proper manner and as such the findings of Enquiry Officer are based on evidence. Issues nos. 1 and 2 are therefore answered accordingly in the affirmative.

Issue No. 3:-

21. In respect of this issue, it can be said that the concerned workman was found drunk on duty. He was allegedly found smelling of alcohol and then refused to go for medical checkup. Besides that there were allegations against him in respect of absenteeism, indiscipline etc. considering that the charges leveled against him are proved which are of serious nature. The punishment of dismissal is imposed which cannot be said to disproportionate to the alleged misconduct. There are no mitigating circumstances on record to prove the innocence of concerned workman and therefore I find that the punishment imposed upon him is proportionate to the alleged misconduct and to the charges leveled against him. This issue is answered in affirmative.

Issue No. 4:-

22. In view of my findings the above issues, this Reference is liable to be rejected.

23. Thus the order:-

ORDER

Reference is rejected with no order as to costs.

Date: 12/09/2017

Camp:Goa

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2824.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोरपोरेशन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ सं. 257/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.12.2017 को प्राप्त हुआ था।

[सं. एल-12011/16/2008-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th December, 2017

S.O. 2824.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 257/2011) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Corporation Bank and their workmen, received by the Central Government on 07.12.2017.

[No. L-12011/16/2008-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No.1: Room No. 38-A (GF) KARKARDOOMA COURT COMPLEX, SHAHDRA, DELHI- 32

ID No. 257/2011

Shri Jitender Kumar,
S/o Shri Raghubir Singh,
Peon, through General Secretary,
Delhi Labour Union,
Aggarwal Bhawan, G.T.Road,
Tis Hazari Delhi – 110054

...Workmen

Vs.

The Management of Corporation Bank,
Through Zonal Manager,
16/10, Main Arya Samaj Road,
Karol Bagh, New Delhi – 110005

...Management

AWARD

1. This award shall dispose of a reference received from Ministry of Labour and Employment, Government of India, vide order No.L-12011/16/2008-IR (B-II) dated 26.02.2014 under clause (d) of sub-Section (1) and (2A) of Section 10 of the Industrial Disputes Act, 1947, (in short, the Act), for adjudication of an industrial dispute between the parties, terms of which are as under :

“Whether the action of the management of Corporation Bank, New Delhi, in terminating the services of Shri Jitender Kumar, Son of Shri Raghubir Singh, Peon w.e.f. 06.02.2006 is just, fair and legal? If not, what relief the workman is entitled to?”

2. Brief facts giving rise to the present case are that the workman Jitender Kumar, (in short, the Claimant) joined employment of the management on 10.9.2013 as a Peon. He was lastly posted at Nangloi Jat Branch and was drawing salary of Rs.5,764/- per month. He has been in continuous service of the management since the date of his illegal termination on 06.2.2006. The claimant has unblemished and uninterrupted record of service.

2. It is the case of the claimant that he was refused to do duties after 06.02.2006 on the allegations of theft. Thereafter in the month of February, 2006, he was issued a letter dated 16.2.2006 containing false allegations that he has removed Rs.33,000/- from the bank's strong room. This allegation was only leveled with a view to terminate the service of the claimant malafidely. The action of the management in termination of the service has been alleged to be totally illegal and unjust as no domestic enquiry was conducted against him and the management wanted to get rid of the claimant.

3. The claim was contested by the management, who filed written statement thereto wherein certain preliminary objections were taken. However, in Para 4 of the objections, it is admitted that claimant was engaged as temporary staff at Nangloi Jat Branch of the respondent Bank w.e.f. 17.4.2005 and had worked intermittently till 6.2.2006. He was engaged for a limited period on temporary vacancy caused by absence of permanent staff at Nangloi Jat Branch. He was also paid daily wages for the number of days he has worked. It has been alleged that on 06.02.2006, he left the service on his own since Rs.33,000/- lying in the cash box, which he was taking out of the strong room to the Cashier's cabin, were found missing. On being enquired, the claimant admitted his guilt before the management. He also requested the management not to hand over his case to the police and volunteered to quit the job with immediate effect. On merits, most of other averments have been denied by the management. It has also been denied that claimant was getting salary of Rs.5,764/- per month. It is also denied that he was in the continuous service of the bank and has unblemished record of service.

4. The claimant also filed rejoinder to the written statement and reasserted the stand taken in the statement of claim and denied the allegations made in the written statement.

5. It is apparent from the record of this case that initially reference was received by CGIT Court No.2 and parties filed their pleadings before the said court. The record shows that no specific issue was framed by Ld. Presiding Officer of the said court. Thereafter, this case was transferred to CGIT Court No.1 vide order No.Z-22019/6/2007-IR C-II, dated 30.03.2010, Government of India.

6. The claimant, in order to prove the cause against the management, examined himself as WW-1 and tendered in evidence his affidavit Ex.WW-1/A along with documents Ex.WW-1/1 to WW-1/21.

7. The management in order to rebut the case of the claimant, examined Shri V.K. Gupta, as MW-1, whose affidavit is Ex.MW1/A. He has also tendered in evidence certain documents.
8. I have heard Shri Abhinav Kumar, Ld A/R for the claimant and Ms.Rama Arora, Ld. A/R for the management.
9. Now, the issue for determination before this Tribunal is whether the termination of claimant is just and fair. In this regard, it is appropriate to refer to the pleadings of the parties as well as evidence adduced by the parties in support of their stand taken in their respective pleadings. The case of the claimant as set forth in the statement of claim as well as in his affidavit is that he was engaged as Peon on 10.09.2003 by the management. As per the pleadings, he served uninterruptedly till 06.02.2006. The engagement of claimant as a Peon has not been denied by the management in the written statement. In this regard, it is appropriate to refer to Para 4 of the written statement wherein it is mentioned that claimant was engaged as temporary sub-staff at Nangloi Jat Branch of the Bank w.e.f. 17.06.2005. Further, it is admitted case of the parties that service of the claimant was terminated on account of alleged theft committed by the claimant as a result of which claimant is alleged to have confessed his guilt and thus quit the service on 06.02.2006.
10. Ld. A/R for the claimant argued that in the present case, claimant has never admitted his guilt nor any show cause notice was served upon him nor domestic enquiry was conducted against the claimant before his termination. Ld. A/R for the claimant urged that there is total violation of Section 25F of the Act. Reliance was placed upon certain rulings to show that conducting of inquiry is mandatory under the law against the workman who has completed 240 days preceding his termination. Ld. A/R for the workman further urged that even otherwise violation of provisions of Section 25F of the Act render to action to the management against the violation under the law. On the other hand, Ld. A/R for the management urged that claimant has admitted his guilt before the management as such there was no necessity to conduct inquiry against the workman. Moreover, the workman was not regularly performing his duty and in view of the confessional statement made by the workman Ex.WW1/M1, there was no need of any inquiry against a casual workman who has virtually quit his job in view of the confession made by the claimant.
11. After hearing Ld. A/R for both the parties and perusal of the entire record, I am of the opinion that there is considerable force in the submission made on behalf of the claimant.
12. Though the management in para 4 of the written statement averred that claimant was engaged as temporary sub staff at Nangloi Branch of the bank w.e.f. 17.06.2005 and worked intermittently till 06.02.2006 yet MW1 Shri V.K. Gupta, in the first line of his cross examination, admitted that claimant was engaged on 10.09.2003 as a Peon. He has also stated that his presence was marked in the attendance register of the bank and the said register is in the custody of the bank. He admitted that he has not seen the attendance register relating to the claimant herein. He further admitted that attendance register is authenticated record to show the attendance of an employee on a particular day and time. He admitted that he can produce the said register before this court. However, the record shows that several opportunities were granted and the said register was not produced by MW-1. He has further stated that attendance register for the financial year 2005-06 is not available. He has not read the bipartite settlement between the employee and the management. He has admitted that job of the Peon is perennial in nature. This witness has not stated anything regarding the theft committed by the claimant as he was posted in the concerned branch of the bank on 16.2.2006 whereas the service of the claimant has been terminated on 06.02.2006. Therefore, the statement of this witness regarding theft or confession etc. is not of any value. He has fairly conceded that workman was not issued any notice nor notice pay nor service compensation before his termination. He has clarified that he was a temporary employee and he himself has resigned.
13. During the course of arguments, it was admitted fairly by both the parties that claimant was a daily wager or a temporary employee within the definition of 'Workman' as defined under section 2(s) of the Act.
14. The Hon'ble Apex Court in case of *Devinder Singh Vs. Municipal Council, Sanaur*, AIR 2011 S.C. 2532, while dealing with the definition of 'workman' has held as under :
- "The source of employment, the method of recruitment, the terms and conditions of employment/contract of service, the quantum of wages/pay and the mode of payment are not at all relevant for deciding whether or not a person is a workman within the meaning of [Section 2\(s\)](#) of the Act.**
- The definition of workman also does not make any distinction between full time and part time employee or a person appointed on contract basis. There is nothing in the plain language of [Section 2\(s\)](#) from which it can be inferred that only a person employed on regular basis or a person employed for doing whole time job is a workman and the one employed on temporary, part time or contract basis on fixed wages or as a casual employee or for doing duty for fixed hours is not a workman."**
15. The claimant has clearly stated in his statement that he was continuously working since the time of his engagement on 10.09.2003 till his termination on 06.02.2006. This fact has duly been admitted by MW-1

Shri V.K. Gupta. In such circumstances, it is clear that claimant has also completed requisite period of 240 days so as to claim his benefit of provisions of Section 25F of the Act.

16. The main contention of the management is to the effect that claimant has committed theft of Rs.33,000/- and later on, made a confessional statement before the manager also. The attention of the court was invited to document Ex.WW1/M1 which is alleged to be written by claimant Jitender Kumar to the then Manager of the bank. A bare perusal of the above letter would show that claimant is voluntarily seeking retirement from the job and it is further mentioned that he is not doing so under any kind of pressure. Below the letter Ex.WW1/M1 it is mentioned as under :

“Mujh se galti ho gyi hai iss liye mai naukri chhod raha hu. Mujhe aur naukri kahin mil gyi hai.”

17. Above the aforesaid statement, there is also signature of one witness, who admittedly has not been examined by the management. To my mind, it was incumbent upon the management in order to prove the so called confessional statement, to examine the Manager to whom claimant has addressed this letter Ex.WW1/M1. The examination of this witness, is also mandatory, who was also allegedly present at the time of making said statement.

18. The aforesaid confessional statement as relied upon by the management Ex.WW1/M1 is not of any help to the management as it appears to be an act of manipulation for the reason that show cause notice regarding the above fact was served upon the claimant on 16.2.2006 after tendering of his alleged resignation on 06.02.2006 whereas it is clear from the record that claimant has already resigned or terminated from his service on 06.02.2006. If the claimant has voluntarily tendered his resignation on 06.02.2006 as per the stand taken by the management, in that eventuality, there was no need to serve show cause notice dated 16.2.2006 Ex.WW1/10 upon the claimant by the Chief Manager. The Chief Manager has sought explanation within seven days of receipt of the letter as to why the action should not be taken against him, failing which it will be construed that he has no explanation to submit to the management. Ld. A/R for the management could not explain about the issuance of show cause notice Ex.WW1/10 on 16.2.2006 to the claimant, who as per the case of management, has already voluntarily resigned from the job on 06.02.2006. This clearly shows that the confessional statement regarding admission of theft, Ex.WW1/M1 is an act of manipulation or the same appears to have been obtained from the claimant in a clandestine manner. The claimant has also served notice upon the management vide Ex.WW1/11 wherein he admitted that he is not being allowed to join his duty with the management as he has not committed any offence. It is also clear from the salary receipt vouchers Ex.WW1/12 to Ex.WW1/18 that claimant has worked with the management during the year 2005. The management has not filed the extracts of the attendance register for the remaining period despite an opportunity was given to the management to file the entire record of attendance as well as salary. In such circumstances, the court is bound to draw an adverse inference against the management for withholding the documents intentionally as production of the same would have gone against the management. It is thus held that claimant was in continuous service of the management w.e.f. 10.9.2003 till his termination i.e. 06.02.2006.

19. Admittedly, in the present case no domestic inquiry was conducted against the claimant, no retrenchment compensation or one month notice in terms of Section 25 F of the Act was given to the claimant. It is well settled preposition of law that violation of Section 25 F of the Act would render action of the management to be illegal as well as unjustified under the law.

20. In view of the aforesaid discussion, it is held that termination of the service of the claimant by the management is totally illegal and against the provisions of Section 25 F of the Act.

21. Now the residual question before this court is whether the claimant is liable to be reinstated in service with consequential benefits. Admittedly, claimant is not serving with the management after his termination on 06.02.2006 and more than the period of 11 years has elapsed since the date of his termination. It has been held by Hon'ble Apex Court in number of cases that if the termination of workman is illegal, rule of reinstatement with back wages would follow. However, in recent past, there is a change in this trend and now in most of the cases, view has been taken that reinstatement with back wages is not automatic even though the termination of the workman is in contravention of the prescribed proceedings. It would depend upon the facts and circumstances of each case whether reasonable compensation instead of reinstatement is to be paid.

22. The Hon'ble Apex Court in several cases while dealing with the question of reinstatement where termination of job of a workman has been held to be illegal and void under the law articulated the view that normally a workman is entitled to be reinstated in service with back wages when the action of the management is totally against the provisions of Section 25-F of the Act as well as principles of natural justice. This view was reiterated in **Deepali Gundu Survase Vs. Kranti Junior Adhyapak Mahavidyalaya (2013 AIR SCW 5330)**. However, in the recent past, there is a change in this trend and now in several cases, a view has been taken that relief by way of reinstatement alongwith back wages is not automatic as it would depend upon the given facts of fact situation of the case. There are number of factors which are to be kept in mind by the court while considering the question of reinstatement with back wages or payment of reasonable compensation in lieu of reinstatement. A perusal of the various authorities would show that the relevant

factors to be considered are nature of the post, mode of recruitment, duration of engagement, delay in raising industrial dispute as well as the time which has elapsed from the time of termination. In this regard specific mention can be made to the case of *Hari Nandan Prasad and Another vs. Employer I/R to Management of Food Corporation of India & Anr. (2014) 7 Supreme Court Cases 190*. Bearing the aforesaid factors in mind and having regard to the fact situation of the case in hand, the period of more than 11 years has elapsed since the termination of the workmen who was not holding any permanent post, as such an amount of Rs.1,00,000/- (Rs.One Lac) as compensation appears to be just and reasonable to which the claimant is entitled from the management. The action of management in termination of service of the claimant is held to be unjust, unfair and not legal under the law and claimant is held entitled to compensation of Rs.1,00,000/- (Rs. One Lac) payable by the management.

23. As a sequel to the above, it is held that claimant is entitled for compensation of Rs.1,00,000/- (Rs.One Lac). In case this amount is not paid within one month of publication of Award, in that eventuality claimant shall be entitled for 9% per annum interest from the date of publication of Award. Let a copy of this Award be sent for publication as required under Section 17 of the Act.

A. C. DOGRA, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2017

का.आ. 2825.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट (संदर्भ सं. 09/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.12.2017 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th December, 2017

S.O. 2825.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 09/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of Vijaya Bank and their workmen, received by the Central Government on 07.12.2017.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 17th November, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

I.D. No. 09/2016

I Party

Sh. Vasanth Kumar,
S/o D. Yamunappa,
MIG 1, No. 427, IInd Main,
5th Cross, Kuvempu Nagar,
Bellary.

(Represented by Mr. B. M. Madhava)

II Party

The Deputy Manager &
Disciplinary Authority,
Vijaya Bank, Head Office,
Bangalore

AWARD

1. Brief details mentioned in the claim statement are as follows:-

The I Party has served as a Clerk at Vijaya Bank, Thoranagal Branch. A charge sheet bearing No. PER/IRD/HBL/VIG/CS/10/2015 dated 24.01.2015 has been issued for certain alleged misconduct. Based on the biased findings the Disciplinary Authority has imposed a punishment of Dismissal on 25.01.2016. Since, the

conciliation failed, a Certificate has been issued under sub-section (2) and (3) of section 2A of the Industrial Disputes (Amendment) Act -2010. The I Party has been suspended from Vijaya Bank, as per the order bearing No. PER: IRD:HBL:404:2014 dated 20.02.201. The II Party has issued a charge sheet bearing No. PER/IRD/HBL/VIG/ CS/10/2015 dated 24.01.2015 against the I Party with some allegation of misconducts, after a gap of about 11 months of suspension. The II Party, basing on the biased findings, imposed a punishment of Dismissal on 25.01.2016. Further, the appeal preferred by the I Party on 12.02.2016, copy enclosed as Annexure-5, has been disposed of, after a gap of 8 months, The delay in issuing the charge sheet, delay in conducting the enquiry, delay in disposing of the appeal etc., have been nothing but an effort by the II Party to deny the justice. Further, in spite of the objections made by the Defence representative, neither the staff members nor the customers, who have given the statements, have appeared as management witness to confirm their statements. In view of the same, the above statements lost its evidentiary value and hence liable to be rejected. Therefore, it is illegal to put an allegation against the I Party in respect of misuse of passwords of the Branch Manager/Asst. Branch Manager. Therefore, the I Party prays this Court to pass an award in favour of I Party by holding that, the II Party/Management is not justified in imposing a capital punishment of Dismissal against the I Party and to direct the II Party to reinstate the I Party with all the back wages.

2. The pertinent point that arises for consideration in the present matter is:-

“Whether the I Party is entitled to get relief as prayed for in the Claim Statement for the reasons and grounds stated in the Claim Statement.

3. Analysis, Discussion Findings with regard to the above mentioned point:-

The I Party has specifically stated in the Claim Statement as well as in the evidence that, the premature closure of all the six term deposits mentioned in the charge sheet have been closed by Sri. Manjunatha N Officer and authorized by the Branch Manager Sri Aravind N Vaidya as per the evidence produced in the enquiry. Further, the issuing the INSTA cards to the customers are the duties of the officers/manager. The said cards has been always in the custody of the key holders and I Party has no access to the same. Further, the I Party has stated that, the authorization of manager is required to convert an inoperative savings bank account into operative and I Party has to carry out only the instructions of the branch manager or his superiors and I Party has no role except to do the clerical work as per the instructions of his superiors. Further, the I Party has stated that, the enquiry officer has made biased findings against him, and the Disciplinary Authority has imposed a punishment of Dismissal on 25.01.2016 and the Appellant Authority has not taken any decision in the matter even after 8 months after filing the appeal. Further, as per Ex W-1, the Learned Regional Labour Commissioner (Central) Bellary has issued certificate to the effect that, the matter is not settled in the conciliation and Ex W-2, is the Suspension Order issued to the I Party by the II Party, Ex W-3 is the charge sheet issued to I Party, Ex W-4 is the proceedings of the Disciplinary Authority and Ex W-5 is the appeal filed by the I Party before the Appellate Authority.

4. The II Party has not appeared before this Court, to establish that, the proceedings of the Disciplinary Authority has been passed by the II Party as per the principles of natural justice and the allegations made as against the I Party has been proved as per the principles of preponderance of probability. Further, the I Party as clearly pointed out in the claim statement as well as in the evidence before this Court that, he has not committed any mistake as alleged by the II Party and II Party has adopted the unfair labour practice and victimized the I Party without any valid reasons.

5. On a careful perusal of entire materials on record it is seen that, the I Party has established the various details mentioned in the claim statement by way of producing relevant records and evidence. On the other hand, II Party has miserably failed to establish that, the I Party has committed the mistake as alleged in the charge sheet. In fact, after the receipt of the RPAD notices the II Party remained absent. Further, the I Party has established that, he is entitled to get relief as prayed for in the claim statement. On a careful scrutiny of entire materials it is found that, I Party has established grounds and reasons, to get relief, as prayed for in the claim statement and the II Party has not disproved the same in any manner. Accordingly, the I Party is entitled to get relief as prayed for in the claim statement, without cost for the above mentioned facts and circumstances. Accordingly, the following award is passed.

AWARD

The II Party is not justified in Dismissing the service of I party/Vasanth Kumar w.e.f 25.01.2016 and II Party is directed to reinstate the I Party with continuity of service, and with payment of full back wages and other consequential benefits from the date of dismissal, namely, 25.01.2016 till providing employment as per the service records maintained by the II Party and award is passed accordingly, without cost for the above mentioned peculiar facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 17th November, 2017)

V. S. RAVI, Presiding Officer

List of Witness on the side of I Party:

WW 1	Sh. Vasanth Kumar, I Party/workman
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Exhibit marked on behalf of I Party:

Exhibits	Date	Description of Document
Ex W-1	20.10.2016	Certificate issued by RLC (C) Bellary
Ex W-2	20.02.2014	Suspension Order issued to I Party
Ex W-3	24.01.2015	Charge sheet issued to I Party
Ex W-4	25.01.2016	Proceedings of the Disciplinary Authority
Ex W-5	12.02.2016	Appeal filed before the Appellate Authority by the I Party

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2826.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैसर्स रिचर्डसन एंड क्रुड्डास (1972) लिमिटेड, चेन्नई और अन्य एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 01/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.08.2017 को प्राप्त हुआ था।

[सं. एल-42012/220/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2826.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 01/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the M/s. Richardson & Cruddas (1972) Ltd., Chennai & others and their workman, which was received by the Central Government on 21.08.2017.

[No. L-42012/220/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD**

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 10th day of July, 2017

INDUSTRIAL DISPUTE No. 01/2016**Between:**

Sri B. Sathyanarayana,
H.No.5-3, Tellapur Village,
R.C. Puram Mandal, Medak District,
Telengana – 502110

...Petitioner

AND

1. M/s. Richardson & Cruddas (1972) Ltd.,
69-D, SIDCO Industrial Estate, Ambattur,
Chennai – 600 098.

2. M/s. Tata Basava Sankara Rao,
Shop No.1, BHEL Town Ship, R.C. Puram,
Hyderabad – 500 032

...Respondents

Appearances :

- For the Petitioner : Party in person.
For the Respondent : Sri Thata Singaiah Goud, Advocate for R1 & R2

AWARD

The Government of India, Ministry of Labour by its order No. L- 42012/220/2015-IR(DU) dated 15.12.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Richardson & Cruddas (1972) Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the management of M/ Richardson & Cruddas (1972) Ltd., a contractor of M/s BHEL, Hyderabad in terminating the service of the workman Shri B. Sathyanarayana is illegal, arbitrary and violation of the Section 25F of ID Act, 1947? If yes, to what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 1/2016 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. In spite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 10th day of July, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2827.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 98/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.12.2017 को प्राप्त हुआ था।

[सं. एल-42012/207/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2827.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 98/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the

Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 06.12.2017.

[No. L-42012/207/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 9th day of November, 2017

INDUSTRIAL DISPUTE No. 98/2015

Between:

Sri M. Narsingh Rao,
S/o M. Pochaiah,
R/o 3-5-24/49/A, Rajeev Nagar,
Meerpet, Hyderabad – 500076

...Petitioner

AND

The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Hyderabad – 500 062

...Respondent

Appearances :

For the Petitioner : Representative

For the Respondent : Representative

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/207/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Sh. M. Narsingh Rao, S/o Late M. Pochaiah, is illegal, arbitrary and violation of the Section 25F of the ID Act, 1947? If yes, to what relief the workman are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 98/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 9th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2828.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद एवं उनके कर्मचारी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 96/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.12.2017 को प्राप्त हुआ था।

[सं. एल-42012/205/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2828.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 96/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 06.12.2017.

[No. L-42012/205/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 9th day of November, 2017

INDUSTRIAL DISPUTE No. 96/2015**Between:**

Sri G. Mohan,
S/o Chandu,
R/o 1-10-1/71/25,
Krishna Reddy Nagar Colony,
Kushaiguda, Keesara,
Hyderabad – 500076

...Petitioner

AND

The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Hyderabad – 500 062

...Respondent

Appearances :

For the Petitioner : Representative

For the Respondent : Representative

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/205/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Sh. G. Mohan S/o Chandu, is illegal, arbitrary and violation of the Section 25F of the ID Act, 1947? If yes, to what relief the workman are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 96/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 9th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2829.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 101/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.12.2017 को प्राप्त हुआ था।

[सं. एल-42012/210/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2829.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 101/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 06.12.2017.

[No. L-42012/210/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 9th day of November, 2017

INDUSTRIAL DISPUTE No. 101/2015

Between:

Sri C. Mallikarjuna,
S/o Balaiah,
R/o 30-48/1, Old Safilguda,
Ramakrishna Puram, Malkajgiri,
Hyderabad – 500076

...Petitioner

AND

The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Hyderabad – 500 062

...Respondent

Appearances :

For the Petitioner : Representative
For the Respondent : Representative

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/210/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Sh. C. Mallikarjuna S/o Balaiah, is illegal, arbitrary and violation of the Section 25F of the ID Act, 1947? If yes, to what relief the workman are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 101/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 9th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2830.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद एवं उनके कर्मचारी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 100/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.12.2017 को प्राप्त हुआ था।

[सं. एल-42012/209/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2830.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 100/2015) of the Central Government Industrial Tribunal-

cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 06.12.2017.

[No. L-42012/209/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 9th day of November, 2017

INDUSTRIAL DISPUTE No. 100/2015

Between:

Smt. G. Rukmini,
W/o G. Sukkaiah,
R/o 18-1-1020, Ambedkar Nagar,
Uppal Mandal,
Hyderabad – 500076

...Petitioner

AND

The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Hyderabad – 500 062

...Respondent

Appearances :

For the Petitioner : M/s. G. Ravi Mohan & Vikas Sharma, Advocates

For the Respondent : Representative

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/209/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Smt. Rukmini, W/o G. Sukkaiah, is illegal, arbitrary and violation of the Section 25F of the ID Act, 1947? If yes, to what relief the workman are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 100/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 9th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2831.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 103/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.12.2017 को प्राप्त हुआ था।

[सं. एल-42012/212/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2831.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 103/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 06.12.2017.

[No. L-42012/212/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 9th day of November, 2017

INDUSTRIAL DISPUTE No. 103/2015**Between:**

Smt. Prameela
W/o Mallesh,
R/o 3-27, Yamnampet,
Ghatkesar, Ranga Reddy District,
Hyderabad – 500037

...Petitioner

AND

The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Hyderabad – 500 062

...Respondent

Appearances :

For the Petitioner : M/s. G. Ravi Mohan & Vikas Sharma, Advocates

For the Respondent : Representative

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/212/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Smt. Prameela, W/o Mallesh, is illegal, arbitrary and violation of the Section 25F of the ID Act, 1947? If yes, to what relief the workman are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 103/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 9th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2832.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबंधक, अनुसंधान एवं विकास प्रभाग, भेल, हैदराबाद एवं उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 17/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.12.2017 को प्राप्त हुआ था।

[सं. एल-42011/107/2013-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2832.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 17/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the General Manager, Research & Development Division, BHEL, Hyderabad and their workmen, which was received by the Central Government on 06.12.2017.

[No. L-42011/107/2013-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 8th day of November, 2017

INDUSTRIAL DISPUTE No. 17/2014**Between:**The Joint Secretary,
BHEL, R&D Staff and
Workers Union (B-1451),
Vikasnagar, Hyderabad

...Petitioner Union

ANDThe General Manager, (HR), BHEL
Research & Development Division,
Vikas Nagar, Hyderabad

...Respondent

Appearances :

For the Petitioner : Sri K. Pardha Saradhi, Advocate

For the Respondent : M/s. S. Ravindranath, Ambuja Mane & K. Bhagavanth Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-42011/107/2013-IR(DU), dated 16.1.2014 referred the following dispute between the management of Research & Development Division and their workmen under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of BHEL (R&D) Hyderabad in denial of payment of encashment of Earned Leave for 30 days instead of 26 days as per the guidelines of the D P E, New Delhi is justified? To what relief the employees of BHEL (R&D), Hyderabad is entitled?”

The reference is numbered in this Tribunal as I.D. No. 17/2014 and notices were issued to the parties concerned.

2. The case was posted for evidence of the Petitioner union. But, no representation was made on behalf of the union. Non-appearance of the Parties in the court on the date of hearing clearly indicates that perhaps the Petitioner union has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner union is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 8th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2833.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 95/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.12.2017 को प्राप्त हुआ था।

[सं. एल-42012/204/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2833.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 95/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 06.12.2017.

[No. L-42012/204/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 8th day of November, 2017

INDUSTRIAL DISPUTE No. 95/2015

Between:

Smt. Sampoorna,
W/o Mooses,
R/o 6-24/11, Subhash Nagar, Mallapur,
Nacharam, Uppal Mandal,
Hyderabad – 500076

...Petitioner

AND

The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Hyderabad – 500 062

...Respondent

Appearances :

For the Petitioner : M/s. G. Ravi Mohan & Vikas Sharma, Advocates

For the Respondent : Representative

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/204/2015-IR(DU), dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Smt. Sampoorna W/o Mooses, is illegal, arbitrary and violation of the Section 25F of the ID Act, 1947? If yes, to what relief the workman are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 95/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 8th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2834.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबंधक, सुरक्षा प्रिंटिंग एंड मिंगिंग कार्पोरेशन ऑफ इंडिया लिमिटेड, हैदराबाद एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 67/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-16011/01/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2834.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 67/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the General Manager, Security Printing & Minting Corp. of India Ltd., Hyderabad and their workmen, which was received by the Central Government on 30.11.2017.

[No. L-16011/01/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 10th day of November, 2017

INDUSTRIAL DISPUTE No. 67/2015

Between:

Sri Mohd. Abdul Wahid,
Vice President,
Security Printing Press Employees Union,
Mint Compound, Saifabad,
Hyderabad – 500 004

...Petitioner Union

AND

The General Manager,
Security Printing & Minting Corp. of India Ltd.,
Mint Compound, Saifabad,
Hyderabad – 500 004

...Respondent

Appearances :

For the Petitioner : None
For the Respondent : Sri P. Bhakthavatsal, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-16011/ 01/2015-IR(DU), dated 21.8.2015 referred the following dispute between the management of Security Printing & Minting Corp. of India Ltd., and their workmen under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of Security Printing & Minting Corp. of India Ltd., Mint Compound, Saifabad, Hyderabad in withdrawing customary benefit of OT allowance in respect of Shri Md. Abdul Wahid during the pendency of conciliation proceedings before the conciliation officer and ALC(C)-I, Hyderabad is justified? If not, the workmen is entitled to what relief?”

The reference is numbered in this Tribunal as I.D. No. 67/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement of the Petitioner union. But, no representation was made on behalf of the workman or of the union. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner union has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner union is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 10th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2835.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मुनिमोहन एंटरप्राइज (नेल्लोर) के प्रबंधन और अन्य एवं उनके कर्मचारी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 70/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-42012/131/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2835.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 70/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the employers in relation to the

Management of M/s. Munimohan Enterprises, Nellore and others and their workmen, which was received by the Central Government on 30.11.2017.

[No. L-42012/131/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 10th day of November, 2017

INDUSTRIAL DISPUTE No. 70/2015

Between:

Sri Mudda Subramanyam,
No.7-05, Palavellivari Veedhi,
Sullurupeta, SPSR, Nellore – 524121

...Petitioner Union

AND

1. M/s. Munimohan Enterprises,
No.7/447, Netaji Street, Raghavaiahpet,
Sullurupeta, SPSR,
Nellore-524121.
2. M/s. Premier Explosives Ltd.,
SDSC SHAR, Sriharikota, SPSR,
Nellore – 524124.
3. The Controller,
SDSC, SHAR, Sriharikota, SPSR
Nellore – 524124

...Respondent

Appearances :

For the Petitioner : None
For the Respondent : None

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/131/2015-IR(DU), dated 2.9.2015 referred the following dispute between the management of M/s. Munimohan Enterprises and their workmen under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of M/s. MM Enterprises Sub-Contractor of M/s Premier Explosives Limited, Contractors of SDSC, SHAR, Sriharikota in terminating the services of Shri M.Subramanyam is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 70/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and the Petitioner has no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 10th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2836.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार राष्ट्रीय राजमार्ग प्राधिकरण और अन्य लोगों के प्रबंधन एवं उनके कर्मचारी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 48/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-42011/58/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 48/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of National Highway Authority of India and others and their workman, which was received by the Central Government on 30.11.2017.

[No. L-42011/58/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 10th day of November, 2017

INDUSTRIAL DISPUTE No. 48/2015**Between:**

The General Secretary,
Sheelanagar NHAI Port Road Toll
Plaza Contractor Workmen's Union., (Affiliated to CITU)
Sheelanagar, Visakhapatnam – 530040

...Petitioner Union

AND

1. The Project Director,
National Highway Authority of India,
Hanumanthawaka,
Visakhapatnam – 530 040.
2. The Proprietor,
M/s. MD. Usman, Contractor,
Sheela Nagar Port Road Toll Plaza,
Port Road, Sheelanagar,
Visakhapatnam – 530 040.
3. Sri C.P. Rama Rao,
Contractor, Sheelanagar Port Road Toll Plaza,

(Contractor of NHAI) Port Road,
Sheelanagar, Visakhapatnam – 530 040

...Respondent

Appearances :

For the Petitioner : Party in person
For the Respondent : None

AWARD

The Government of India, Ministry of Labour by its order No. L-42011/58/2015-IR(DU) dated 18.6.2015 referred the following dispute between the management of National Highway Authority of India and their workmen under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the management of M/s. MD. Usman, contractor of National Highway Authority of India, Visakhapatnam engaged in Sheela Nagar Port Road Toll Plaza of National Highway Authority of India, Visakhapatnam in terminating the services of S/Shri P. Sekhar and 12 other contract workers (As per list enclosed) is legal and justified? If not, to what relief the concerned workmen are entitled?”

The reference is numbered in this Tribunal as I.D. No. 48/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement of the Petitioner union. In spite of availing several opportunities, the Petitioner union remained absent. Further, the Petitioner has failed to furnish the correct address of the Respondent and there was no representation on behalf of the Petitioner union. In the circumstances stated above, the case of the Petitioner union is dismissed as against the present Respondent.

Nil Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 10th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner
NIL

Witnesses examined for the Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैनेजमेंट ऑफ एमसीडी, दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1, दिल्ली के पंचाट (संदर्भ संख्या 38/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.11.2017 को प्राप्त हुआ था।

[सं. एल-42012/11/2010-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2837.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 38/2012) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of MCD, Delhi and their workman, which was received by the Central Government on 14.11.2017.

[No. L-42012/11/2010-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE**BEFORE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No.1: ROOM No.38-A (GF) KARKARDOOMA COURT COMPLEX, SHAHDRA, DELHI- 32****ID NO. 38/2012**

Shri Satender & 5 others, Nala Beldar,
who were working in (Drainage Department)
M.C.D.and lastly posted at Ward No.114,
Division M-3, West Zone, Rajouri Garden,
Vishal Enclave, New Delhi,
Through Municipal Employees' Union,
Agarwal Bhawan G.T.Road,
Tis Hazari, Delhi – 110054

...Workmen

Vs.

The Management of Municipal Corporation of Delhi,
through its' Commissioner, Town Hall, Chandni Chowk,
Delhi-110006

...Respondent/Management

AWARD

1. This is a reference received from the Ministry of Labour, Govt. of India, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Tribunal Act, 1947, (in short, the Act) vide Order bearing No. L-42012/11/2010-IR (DU) dated 10.2.2012 for adjudication of an industrial dispute between the parties, terms of which are as under :

'Whether the action of the management of Municipal Corporation of Delhi (MCD), New Delhi in terminating the services of S/Sh. Satender, Mahadev, Yogesh, Sandeep, Harveer and Babu Lal, all Nala Beldars, Drainage Department, MCD, is just and legal? What relief, these workmen are entitled to?'

2. After receipt of the above reference, both the parties were put to notice and workmen herein filed statement of claim giving particulars of their employment which is as under:

Sl.No.	Name & father's name	Date of appointment	Date of termination	place of posting
1.	Shri Satender s/o Sh. Bansi Mal	14.07.2005	15.08.2008	Ward No.114, Division M-3, West Zone, Rajouri Garden, Vishal Enclave, New Delhi.
2.	Sh. Mahadev s/o Sh. Ram Avtar Verma	01.07.2004	15.08.2008	Ward No.114, Division M-3, West Zone, Rajouri Garden, Vishal Enclave, New Delhi.
3.	Sh.Yogesh son of Sh. Ganga Saran	01.07.2004	15.08.2008	Ward No.114, Division M-3, West Zone, Rajouri Garden, Vishal Enclave, New Delhi.
4.	Sh.Sandeep son of Shri Inderaj	September, 2005	15.08.2008	Ward No.114, Division M-3, West Zone, Rajouri Garden, Vishal Enclave, New Delhi.
5.	Sh.Harveer Singh son of Sh. Bal Kishan	26.03.2004	15.08.2008	Ward No.114, Division M-3, West Zone, Rajouri Garden, Vishal Enclave, New Delhi.
6.	Sh.Babu Lal son of Sh. Piya Lal	01.07.2004	15.08.2008	Ward No.114, Division M-3, West Zone, Rajouri Garden, Vishal Enclave, New Delhi.

3. It is also alleged in the statement of claim that workmen were performing their duties as "nala beldars" and they were being treated as daily rated/casual/muster roll workers and were being paid wages as fixed and revised from time

to time under the Minimum Wages Act. However, their counterparts doing the identical work were being paid proper salary as well as allowances and they were also getting other facilities like uniform, EL, CL, Gazetted/Festival/Restricted holidays, which were completely denied to the workmen herein.

4. It is also alleged by the workmen that with the passage of time, their services should have been regularized but management instead of this, terminated their services w.e.f. 15.08.2008 by way of refusal of duties without assigning any reason. This action of the management has been challenged by the workmen as the same is illegal and against the principles of natural justice. It is also alleged that non-regularization of services and denial of wages at par with their counterparts is also in violation of the principle of equal pay for equal work etc. The workmen have completed 240 days in a calendar year and they were liable to be regularized like their counterparts. The workmen herein served a demand notice on the management vide letter dated 23.02.2009 but no reply was received thereto.

5. The claim of the workmen was resisted by the management by filing written statement and various preliminary objections have been taken like espousal and non-service of demand notice and reference having been made without application of mind as well as reference being non maintainable because of delay etc. It has also been alleged that present dispute is not an industrial dispute in view of the judgment of Hon'ble Supreme Court in case of *State of Karnataka Vs. Uma Devi* and *Ajay Kumar vs. M.C.D.* The management denied most of the averments made in the statement of claim. However, it is admitted that workmen were temporarily engaged on the muster roll for cleaning the storm water drain for 89 days only as regular staff was not sufficient to cope with the work. Their engagement was for a short period subject to requirement from time to time.

6. Vide order dated June 8, 2012, my Id. predecessor observed that from the pleadings of the parties it came out that no issue other than those referred by the appropriate Government for adjudication is made out. Thereafter evidence of the claimant was recorded.

7. The workmen in order to prove the cause against the management, examined six witnesses in all. WW-1 is Shri Satender, who tendered in evidence his affidavit Ex.WW-1/A alongwith documents Ex.WW-1/1 to WW-1/17. WW-2 is Shri Mahavir, whose affidavit is Ex.WW-2/A. He has also tendered in evidence documents Ex.WW-1/1 to WW-1/17. Shri Harveer has been examined as WW-3, whose affidavit is Ex.WW-3/A, who has also tendered in evidence similar documents. Shri Babu Lal has been examined as WW-4 whose affidavit is Ex.WW4/A. Shri Yogesh has been examined as WW-5, whose affidavit is Ex.WW5/A and Shri Sandeep has been examined as WW-6, whose affidavit is Ex.WW-6/A. All these witnesses have relied upon the similar documents Ex.WW1/1 to WW1/17.

8. The management in order to rebut the case of workmen examined Shri Ajay Joshi as MW-1 and his affidavit is Ex.MW-1/A. He has also tendered in evidence certain documents.

9. I have heard Shri Abhinav Kumar, Id. A/R for the workmen and Shri Rajeev Bhardwaj, Id. A/R for the management and have also carefully perused the entire record.

10. It was strongly urged on behalf of the workmen that all the workmen herein fall within the definition of 'workman' as defined in Section 2(s) of the Act and they have completed more than 240 days in a calendar year before the date of their termination. The attention of the court was invited to oral as well as documentary evidence so as to show that management has not followed any procedure while terminating the service of the workmen. No show cause notice was issued to the workmen nor one month salary in lieu of such notice was offered or given to the workmen.

11. It was also urged that the work of nala beldar is not temporary or seasonal work as their duty is of permanent in nature. There is always shortage of such workers before the Corporation and they are being engaged to cope up with the work.

12. Lastly, Id. A/R for the workmen proceeded to argue that since the termination of the service of the workmen herein is totally illegal and in violation of the provisions of Section 25-F of the Act as such workmen are entitled to be reinstated in service with full back wages including all consequential benefits.

13. It was urged on behalf of the management that workmen were performing the work of nala beldar and they were casually and temporarily engaged for the said work on muster roll for cleaning the stormed water from the drainage from time to time and their engagement was hardly for 89 days and not regular in nature. Id. A/R for both the parties placed reliance upon certain rulings in respect of the stand taken in their respective pleadings. However, I would refer the said rulings at a later stage.

12. It is clear from the matrix of the case that workmen herein were engaged by the management as daily wager/casual workers for cleaning of the drainage. It has also been admitted in Para 4 of the preliminary objections of Written Statement that such workers were not entitled for holidays and other benefits etc.

13. During the course of arguments, it was not even denied by A/R for the management that even daily rated or muster roll workers for the purpose of Industrial Dispute Act, 1947 are 'workmen' within the definition of section 2(s)

of the Act. In this regard, reference would be made to the case of **Devender Singh Vs. MC Sanaur, AIR 2011 SCC 2532**, wherein while examining the ambit and scope of expression 'workman' as used in section 2(s) of the Act, it was observed, as under:

'The source of employment, the method of recruitment, the terms and conditions of employment/contract of service, the quantum of wages/pay and the mode of payment are not at all relevant for deciding whether or not a person is a workman within the meaning of [Section 2\(s\)](#) of the Act.

The definition of workman also does not make any distinction between full time and part time employee or a person appointed on contract basis. There is nothing in the plain language of [Section 2\(s\)](#) from which it can be inferred that only a person employed on regular basis or a person employed for doing whole time job is a workman and the one employed on temporary, part time or contract basis on fixed wages or as a casual employee or for doing duty for fixed hours is not a workman.

14. The other submission raised on behalf of the management that MCD does not fall within the definition of 'Industry' is without any merit and the same is liable to be rejected for the reason that there are hundreds of cases where industrial dispute against the MCD has been raised by the workers working in such MCDs and in none of cases there is even remotely observation to the effect that office of MCD does not fall within the definition of 'industry' as defined under section 2(j) of the Act. The nine Judges Bench of the Hon'ble Apex Court in the case of **Bangalore Water Supply & Sewage Board vs. A Rajappan & Ors, 1978(36) FLR 266 (SC)**, have been pleased to consider the scope of the expression 'industry' as defined in section 2(j) of the Act. After taking the entire spectrum of the case law on the subject, the Hon'ble Supreme Court has amplified the scope of the expression industry as defined in the Act and even of hospital, school, educational institutions, MCDs etc has been held to be an industry as defined in section 2(j) of the Act.

15. Now, the main issue before this Tribunal is whether the workmen herein were engaged for seasonal or temporary work by the management for cleaning of the drainage during rainy season. There is no clear evidence on the record to show that and rather the evidence adduced by the workmen is very conclusive that they have been doing the work of nala beldar. In this regard, it is necessary to refer to the statement of WW1, WW2, WW-3, WW-4, WW-5 and WW-6. Perusal of their statement shows that they joined the employment with the management on 26.3.2004 and their service was terminated on 15.8.2008 and they were not allowed to perform the duties by the management. All the workmen have specifically made reference to a vital fact that they are performing the work of regular nature and even regular employees are performing similar job. The workmen have been subjected to lengthy cross-examination but there is hardly anything in their cross-examination so as to help the stand of the management. No doubt, some of the workmen have admitted that their salary was to be paid for the actual working days and they were told that their job was casual or temporary in nature. However, from the ratio of law enunciated in Devender Singh's case (Supra), it is clear that all such casual workers fall within the definition of 'workman' as defined in Section 2(s) of the Act.

16. The evidence adduced by the management do not suggest in any manner that workmen were not engaged in the year 2004 or were not performing the job of regular nature. The workmen have also filed copy of the muster roll which contained their names as well as parentage as is clear from Ex.WW1/1, WW-2/1, WW3/1, WW4/1, WW5/1 and WW6/1. These documents further show that the workmen were in the employment of the management. They have also stated having worked for more than 240 days in a calendar year since workmen herein were engaged as casual/ muster roll workers as is clear from the stand taken by the management in the written statement as such it was also incumbent upon the management to have filed the complete records pertaining to their employment and particularly the attendance roll/register so as to show that workmen have worked for less than 240 days in a calendar year.

17. Shri Ajay Joshi, MW-1 has admitted that attendance of the workmen herein were recorded on muster rolls and he had brought some of the muster rolls which were traceable in the office. He further admitted that workman Satender worked from 26.6.2007 to 25.7.2007, Mahadev, Yogesh, Sandeep, Harvir Singh and Babu Lal also worked for 26 days and thereafter, Satender also worked from 26.7.2007 to 25.8.2007. He stated that he has not brought muster rolls for the period 26.11.2007 to 14.12.2007 as the same were not traceable. But merely stating that these documents were not traceable does not absolve the management from its obligation.

18. During the course of arguments, Ld. A/R for the workmen also urged that in order to compute 240 days in a calendar year, number of gazetted holidays, national holidays as well as Sundays in a year, are to be included. In this regard, reliance was placed on cases **Indian Council of Agriculture Research & Anr vs. Shri Faiyaz; MANU/DE/1935/2013; WP(C)13021-22/2006**; as well as **American Express International Banking Corpn. Vs. Management of American Express International Banking Corpn.; MANU/SC/0237/1985; (1985) 4 SCC 71** wherein it has been held that while computing 240 days for the purpose of Section 25-B of the Act paid holidays including Sundays etc. are to be included in the list of 240 days.

19. No doubt, the initial onus is always upon the workman to prove that he has worked for 240 days in a calendar year and in the case of casual or muster roll workman such a burden would normally be discharged when the workman

has entered into the witness box and categorically deposed that he has worked for 240 days in a calendar year with the management. This plea has been taken in *Director, Fisheries Terminal Division vs. Bhikubhai Meghajibai Chavda, MANU/SC/1810/2009 ; (2010) ILLJ3SC*; as well as *A.I.M.S. New Delhi vs. Uddal & Ors. MANU/DE/1005/2014; 2014 (142) DRJ 569*. In the above two cases, it was observed by the court that normally in a case of daily wagers there is no issuance of letter of appointment and all the material documents, i.e. attendance register, muster roll, salary slips etc. are in the possession of the management. It is expected from the management to produce all the documents so as to appreciate the evidence on record in proper perspective.

20. I am not at all in agreement with the submission raised by the management that workmen herein are seasonal workers for a specific period as such they are covered by the definition of retrenchment as given in Section 2(oo). I fail to understand how the work of nala beldar can be seasonal in nature as regular employees are facing difficulty to cope with the work in as much as extra labour is being engaged on daily wages or muster roll basis, every year. The oral evidence on record adduced by the parties clearly shows that all the workmen herein were performing their duties as nala beldar since the time of their engagement with the management. The law is very clear that it is for the employer to prove that case of the workmen is not covered by the definition of retrenchment so as to attract the applicability of section 2(oo) (bb) of the Act.

21. In *Director, Fisheries Terminal Division vs. Bhikubhai Meghajibai Chavda, MANU/SC/1810/2009; (2010) 1 SCC 47*, similar contention was raised that workman was engaged for seasonal work for a temporary period, as such when the such project of work is over, they would stand retrenched automatically and provisions of section 25-F would have no applicability. This contention was rejected by Hon'ble Apex Court as there is no specific document or agreement on record to show that they were engaged for a specific period i.e. 89 days as is stand taken in written statement by the management. There is nothing in the statement of MW-1 Shri Ajay Joshi that work of nala beldar is purely of seasonal or temporary nature when management has engaged regular workman for the same, more so, when regular workmen are performing similar nature of work which the workmen herein are performing.

22. The net result of the above discussion is that workmen herein are within the definition of 'workman' and they have completed 240 days in a calendar year preceding their termination. The management has admitted having not served them with show cause notice nor paid one month salary in lieu thereof to the workmen before ordering their termination. It is well settled position in law that in case service of workman is terminated without serving any notice in terms of section 25-F, non-payment of retrenchment compensation or one month salary in lieu of such notice, would be termed as totally illegal.

23. Having said so, now, the other question is as to what relief the workmen are entitled. Since the termination of the job of the workmen herein is totally illegal and in violation of section 25-F of the Act, as such the workmen herein are liable to be reinstated in service with full back wages as there is no evidence on record to suggest that during the period of their termination, they were gainfully employed with any other management.

24. Now the residual question before this court is whether the workmen are liable to be reinstated in service. Admittedly, the workmen are not serving with any other management after their termination since 15.8.2008. It has been held by Hon'ble Apex Court in number of cases that if the termination of workman is illegal, rule of reinstatement with back wages would follow. However, in the recent past, there is a change in this term and now in most of the cases, view has been taken that reinstatement with back wages is not automatic even though the termination of the workman is in contravention of the prescribed proceedings. It would depend upon the facts and circumstances of each case whether reasonable compensation instead of reinstatement is to be paid.

25. While dealing with reinstatement, the court has to take in mind the nature of the post, duration of the engagement, nature of appointment, availability of the post, delay in raising industrial dispute and whether the appointment was in accordance with rules or not. The workmen herein were admittedly holding temporary posts of daily wager. They have worked with the management for less than three years. In such circumstances, this court is of the considered opinion that instead of full back wages, an amount of 50% back wages appears to be just and reasonable.

26. Though it has been averred by the workmen in their affidavits as well as statement of claim that they are not gainfully employed with any other management yet this court has to keep in mind that they were not regular employees of the management nor they have vested right to continue in said employment. The ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or malafide and/or by way of victimization, unfair labour practice etc. However, when it comes to the case of termination of a daily wager worker and where the termination is found illegal because of procedural defect namely in violation of Section 25-F reinstatement with back wages is not to be automatic. Instead the workman would be given monetary compensation which will meet the ends of justice. Reasons for denying the relief of reinstatement in such cases are obvious. It is trite law that when the termination is found to be illegal because of non-payment of retrenchment compensation and notice pay as mandatorily required under Section 25-F even after reinstatement, it is always open to

the management to terminate the services of that employee by paying him the retrenchment compensation. Since such a workman was working on daily wage basis and even after he is reinstated, he has no right to seek regularization.

27. In view of the legal position discussed above, this court is of the firm view that claimants are entitled to 50% of the back wages instead of full back wages as well as reinstatement with continuity of service as action of the management in the case on hand, is totally in violation of the provisions of Section 25-F of the Act. Let a copy of this Award be sent for publication as required under Section 17 of the Act.

Dated : 1.11.2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दिल्ली विश्वविद्यालय का प्रबंधन एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1, दिल्ली के पंचाट (संदर्भ संख्या 32/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.11.2017 को प्राप्त हुआ था।

[सं. एल-42012/183/2013-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 32/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of University of Delhi and their workman, which was received by the Central Government on 14.11.2017.

[No. L-42012/183/2013-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No. 1: ROOM No. 38-A (GF) KARKARDOOMA COURT COMPLEX, SHAHDRA, DELHI- 32

ID NO. 32/2014

Shri Balesh Chand Jain,
S/o Shri Deep Chand Jain, (Retired),
Lastly posted at University Press, Delhi,
Through General Secretary, Delhi Labour Union,
Aggarwal Bhawan, G.T.Road,
Tis Hazari Delhi- 110054

... Workmen

Vs.

The Management of University of Delhi,
through its Registrar, Delhi University Campus,
Delhi-110017

... Management

AWARD

1. This award shall dispose of a reference received from Ministry of Labour and Employment vide order No. L-42012/183/2013-IR(DU) dated 26.02.2014 under clause (d) of sub-Section (1) and (2A) of Section 10 of the Industrial Disputes Act, 1947, (in short, the Act), for adjudication of an industrial dispute, terms of which are as under :

“Whether the action of the management of University of Delhi in not paying Shri Balesh Chand Jain his full salary till his actual date of discharge from duty i.e.04.04.2008 and deduction of Rs.50,967/- from gratuity as adjustment and not allowing him pension is legal and justified? If not, what relief the workman is entitled to ?”

2. It is the case of Balesh Chand Jain, (in short, the Claimant) that he was taken into the employment of the management w.e.f. 16.1.1975 as Compositor and his services were terminated by the management w.e.f. 25.01.1976

without assigning any reason. The said order of termination was challenged by the claimant by raising an industrial dispute which was decided in favour of the claimant by the court of Shri G.P.Mittal, the then Presiding Officer, Labour Court No.VII, Delhi, vide Award dated 23.1.1990 in I.D. No.562/86. As per the above Award, the claimant was held entitled to reinstatement in service with continuity of service and full back wages.

2. Thereafter, Writ petition was filed against the said Award in the Hon'ble High Court of Delhi at the instance of the management but the same was dismissed on 23.7.1990 on merits. Despite that, management did not implement the said Award and ultimately he was finally reinstated w.e.f. 31.12.1990 but arrears of back wages were not paid to him. Consequently, another Writ Petition was filed and in the said petition, vide order dated 13.11.1992, management was directed to make payment of arrears of wages to the claimant within two months from the date of passing of order.

3. Thereafter, claimant herein raised another industrial dispute vide I.D. No.24/2009 regarding regularization of his service which is still pending before the Industrial Tribunal Karkardooma Courts. About two years back, an office order dated 06.5.2008 had been passed by the management whereby claimant had been retired from services with retrospective effect i.e. 30.9.2007, though he has discharged his duties regularly till 04.04.2008. It is also alleged that claimant was paid wages/salary till 04.04.2008 but on retirement, an amount of Rs.50,967/- has been deducted from his gratuity illegally on account of salary paid to the claimant. The claimant has not been paid pension till date. The action of the management has been totally illegal and malafide. It is further alleged by the claimant that his co-employee, namely, Shri Sheesh Ram, who retired on 30.6.2004 as temporary workman was paid full pension, however, pension has been wrongly denied to the claimant. Thereafter, the claimant has served demand notice upon the management but no reply was filed.

4. The claim was contested by the management, who filed written statement thereto and it was alleged that para 1 to 4 are matter of judicial records and as such no specific reply was given to the said paras. It is not denied that claimant attained the age of superannuation on 07.09.2007 (A/N) and consequently, he stood retired from the service on 30.09.2007 (A/N) vide office order dated 06.05.2008. However, claimant herein continued in the employment and was paid wages/salary as before even after 30.9.2007 on account of mistake in his date of birth, as his date of birth was mistakenly recorded as 08.09.1949 instead of 08.09.1947 in the seniority list prepared from time to time and said mistake came to light only on 3rd/4th April, 2008 when his case was being processed for his annual increment. Since the claimant could not be said to be in the employment of the management after attaining the age of superannuation and yet he had worked till 04.04.2008, so he was treated to be in engagement of contractual daily wage basis during the said period. Management denied the other averments made in the statement of claim. It is admitted that the amount of Rs.50,967/- is excess payment made to the claimant, which was deducted from the gratuity amount of Rs.1,41,038/-.

4.. Against this factual background, this Tribunal on the basis of pleadings of the parties, vide order dated 15.01.2005, framed the following issue.

- (i) Whether the action of the management of University of Delhi is not paying Shri Balesh Chand Jain his full salary till his actual date of discharge from duty i.e.04.04.2008 and deduction of Rs.50,967/- from gratuity as adjustment and not allowing him pension is legal and justified? If not, what relief the workman is entitled to ?

6. The claimant, in order to prove the cause against the management, examined himself as WW-1 and Shri Surinder Bhardwaj as WW-2 and also tendered in evidence his affidavit Ex.WW-1/A alongwith documents Ex.WW-1/1 to WW-1/13.

7. The management in order to rebut the case of the claimant, examined Ms.Madhu Bala Jain, as MW-1.

8. I have heard Shri Abhinav Kumar, Ld A/R for the claimant and Shri Shiv Ram Singh, Ld. A/R for the management.

Findings:

Issue No.1.

9. It is clear from the pleadings of the parties that claimant has come up with the plea that he was engaged by management on 16.1.1975 as Compositor and he was paid wages under the Minimum Wages Act. During the course of arguments, it was not denied by Ld. A/R for the respective parties that previous termination was challenged by raising the industrial dispute by the claimant vide I.D. No.562/86 which was decided by Ld. Presiding Officer, Labour Court No.VII, Delhi, vide Award dated 23.01.1990. Further, this order of the Labour Court was challenged by the management before Hon'ble High Court and Writ Petition was also dismissed by Hon'ble High Court on 23.07.1990. It is further pleaded that claimant was reinstated in service on 31.12.1990.

10. It is also clear from the perusal of the demand notice Ex.WW-1/1 that same was served upon the Registrar, University of Delhi, which is almost on the similar lines as stated in statement of claim. Ex.WW1/2 is receipt of the

said notice. The claimant has also proved in evidence the pension bill Ex.WW1/3 as well as office order Ex.WW1/4. Both these documents have been admitted by MW-1 Ms.Madhu Bala Jain in her cross-examination. She has stated that Ex.WW1/4, WW1/6 and WW1/8 are issued by the management. Her deposition further shows that Shri Bhupender Prakash and Shri Sheesh Ram initially joined service in 1975 alongwith the claimant. She has also deposed regarding the termination of claimant alongwith other co-workers on 25.1.1976 and thereafter an Award was passed by the Labour Court on 23.1.1990 in favour of the claimant. She has made a vital admission that as per record, no notice had been issued to the claimant before deduction of Rs.50,967/- for excess payment. However, she has clarified that claimant was intimated regarding deduction vide letter dated 04.04.2008 Ex.MW1/W1. Said letter does not bear signature of the claimant and it is highly doubtful whether the said letter was served upon the claimant or not. She has made another admission that both Bhupender Parkash and Sheesh Ram were daily wagers working on temporary basis with the management and Sheesh Ram retired from service on 30.06.2007. She has claimed ignorance about the fact whether both these workers were being paid pension by the management, during the course of her cross examination, on being enquired about the fact whether pension was being paid to both these officials. She has made vital admission that claimant worked regularly with the management w.e.f. 30.09.2007 to 04.04.2009.

11. Now, the vital question before this court is whether in the factual background of the circumstances discussed above, is it legally permissible for the management to make deduction of Rs.50,967/- from the gratuity amount of the claimant when he has regularly worked with the management from 30.9.2007 to 04.04.2009?

12. During the course of arguments, attention of this Tribunal was also invited by Ld. A/R for the respective parties to Ex.MW1/W1 which reads as under :

‘As per record your date of birth is 08.09.1947 and you were to retire on 30.09.2007 (A/N) but for mistake in the records you continued to work till date. You cease to work with immediate effect. Your account and other dues will be settled in due course of time as per the university rules.’

13. The Claimant has also examined WW-2 Sh.Surinder Bhardwaj, who has tried to prove that claimant belonged to the union. He further deposed that claimant gave a written complaint to the union before raising the present dispute. He further admitted that service of the claimant was not regularized by management till date and the claimant has filed another industrial dispute for regularization of his services.

14. In the present case, perusal of the documents Ex.WW1/6 and WW1/8 shows that Bhupender Parkash and Sheesh Ram both are being paid pension by the management as perusal of both these letters shows that arrears of pension have been paid to both these workmen from 1.10.2004 to 31.01.2005 and 1.07.2004 to 30.09.2004 respectively.

15. Now, the question which arises for consideration is whether denial of pension to the claimant herein is legally justified when admittedly his colleagues/co-workers, namely, Bhupender Parkash and Sheesh Ram, who were also daily wagers have been granted pension, or whether the deduction of amount of Rs.50,967/- made by the management is legally justified when claimant has admittedly worked during the period 30.9.2007 to 04.04.2008. To my mind, it does not lie in the mouth of management to say that claimant is not entitled for full salary on account of the reason that his date of retirement was much earlier as his date of birth is actually 08.9.1947 instead of 08.9.1949 and in the ordinary course, he would have retired on 30.9.2007 particularly, when claimant has worked beyond 30.09.2007 till the date of his retirement 04.04.2008. All these facts were on record and seen and examined by the administration while claimant was in service. After the retirement, deduction of amount of Rs.50,967/- by the management from the gratuity etc. is neither legally permissible nor justified under the law. The A/R for the management could not file any authority so as to show that deduction of Rs.50,967/- from the gratuity of claimant is legally permissible when claimant has actually worked with the management. Similarly denial of pension to the claimant is also against the rule of law when his colleagues/co-workers have been granted pension by the management as is clear from Ex.WW1/6 and WW1/8. The law is fairly settled that all those persons or employees, who are similarly placed on equal posts are entitled to uniform term and there cannot be any discrimination against such employee in grant of pension and other benefits otherwise this may amount to violation of Article 14 of Constitution of India which prescribes equality of treatment to all those who are similarly placed.

16. As a sequel to my above discussion, it is held that action of the management in not paying full salary to the claimant till his actual date 04.04.2008 and making deduction of Rs.50,967/- from his gratuity is legally unjustified and not permissible under the law. It is held that claimant is also entitled to pension like his other counterparts namely, Shri Bhupender Prakash and Sheesh Ram. Let a copy of this Award be sent for publication as required under section 17 of the Act.

Dated : 1.11.2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2017

का.आ. 2839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अधीक्षक अभियंता, समन्वय मंडल (विद्युत) सीपीडब्ल्यूडी, नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 1, दिल्ली के पंचाट (संदर्भ संख्या 31/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.11.2017 को प्राप्त हुआ था।

[सं. एल-42011/160/2013-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 12th December, 2017

S.O. 2839.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 31/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the Superintendent Engineer, Coordination Circle (Elect.) CPWD, New Delhi and their workman, which was received by the Central Government on 14.11.2017.

[No. L-42011/160/2013-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

BEFORE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No.1: ROOM No.38-A (GF) KARKARDOOMA COURT COMPLEX, SHAHDRA, DELHI- 32

ID NO. 31/2014

Shri Naresh Kumar, Beldar,
S/o Shri Hukam Singh,
As represented by
All India Central PWD (MRM) Karamchari Shangathan (Regd),
House No.4823, Gali No.13, Balbir Nagar Extension,
Shahdara, Delhi – 110032

...Workmen

Vs.

The Superintending Engineer,
Coordination Circle (Electrical) CPWD,
East Block, R.K. Puram,
New Delhi

...Respondent/Management

AWARD

1. In the present case, a reference was received from Ministry of Labour, Govt. of India, under Section (2A) of Section 10 of the Industrial Tribunal Act (in short the Act) vided Order No. L-42011/160/2013-IR (DU) dated 24.2.2014 for adjudication of an industrial dispute terms of which are as under :

‘Whether regularization of services of the workman Sh.Naresh Kumar w.e.f.11.12.2006 instead of 1.1.93 is legal? If not, what relief the workman concerned is entitled to?’

2. Both the parties were put to notice and it is stated in the statement of claim filed by Naresh Kumar (in short, the claimant), that he was appointed as Beldar on muster roll basis w.e.f. 12.12.85 through employment exchange after fulfilling all conditions of recruitment rules for the post of Beldar in CPWD. He has completed 240 days of each calendar year since the time of his initial appointment and his service was regularized by the management on 11.12.2006 vide letter dated 11.7.2011.

3. It is the case of claimant that services of the junior workmen were regularized w.e.f. 5.8.2002 as is clear from Annexure 2. The Hon’ble Supreme Court of India on 17.1.86 issued directions for regularization of all casual workmen of CPWD who had completed six months of regular service on muster roll basis. Thereafter, management framed a scheme for regularization of all daily rated workmen of CPWD and also created 8982 posts under different categories including Beldar after getting approval from Ministry of Finance. As per seniority list prepared by the management vide letter dated 9.4.2003, name of the claimant Naresh Kumar was mentioned at Serial No.33 and name of Ram Prasad, who is junior to him, is mentioned at Sl.No.157, whose services had been regularized on 5.8.2002 as is clear

from Annexure 4. Claimant Naresh Kumar was granted temporary status w.e.f. 1.9.93 and ads per temporary status order issued by the department, 50% of the services of the workman is to be counted for the purpose of granting pensionary/terminal benefits. As a result of promotion of the junior workmen, they have become eligible for sitting in the trade test for the purpose of the purpose of promotions/grant of ACP benefits. Due to non-regularization of services of the claimant before his juniors, the whole service conditions of the workman will get affected and he will not be entitled for old pension benefits. This has been unfair labour practice by the management. The claim petition is supported by affidavit.

4. The claim was contested by the management who filed W.S. thereto and took preliminary objections of maintainability and no cause of action. It is alleged on merits that services of Randhir Singh and Ram Prasad Tiwari have been regularized vide order dated 22.2.2001 in O.A.No.2569/99 passed by the Hon'ble CAT and Directorate General letter No.19/150/99-EC-10 dated 8.7.2002. There is also reference of case State of Karnataka vs. Uma Devi, wherein the Hon'ble Apex Court has given directions for regularization of services of irregular workmen as one time measure and it was on the basis of above order of Hon'ble Apex Court w.e.f. 11.12.2006 that it has been decided to regularize the services of said workmen. Management has denied the other averments made in the statement of claim.

5. The claimant filed rejoinder to the W.S. filed by management and reiterated the stand taken in the statement of claim.

6. On the basis of these facts, this Tribunal vide order dated 08.6.2015 framed the following issues.

- (1) Whether regularization of services of the workman, Shri Naresh Kumar with effect from 11.12.2006 instead of 01.01.1993 is legal. If not, what relief the workman is entitled to?
- (2) Whether the claim filed by the claimant is legally maintainable, as alleged?

7. Both the parties adduced evidence in support of their stand taken in their respective pleadings.

8. The claimant in order to prove the case against the management examined himself as WW1 and tendered in evidence his affidavit as Ex.WW1/A alongwith documents Ex.WW1/1 to WW1/6. The management in order to rebut the case of claimant examined Sudhir Kumar, Executive Engineer, as MW1 and his affidavit is Ex.MW1/A.

Issue No.1:

9. It is the case of claimant herein that he was appointed as Beldar on muster roll w.e.f. 12.12.85 in CPWD through employment exchange. This fact is also supported from the documents Ex.WW1/1 which clearly shows that claimant Naresh Kumar had joined the service as a Beldar with the management on 12.12.85. In para 9 of this document, there is mention of working days of muster roll for the year 1985 to 1990 of the claimant. The claimant has also filed the office order E.WW1/2 which shows that one Randhir Singh was also engaged as Beldar/muster roll/daily wager on 11.11.86 and his service was regularized from 5.8.2002. Similarly Ram Prasad Tiwari was engaged on 10.1.91 as Beldar and his service was regularized on 5.8.2002. The claimant has also filed document Ex.WW1/3 dated 25.8.88 issued by the management in which there is reference to the Writ Petition – Surinder Singh Vs. State (PWD) which was decided by Hon'ble Apex Court on 17.1.1986. It is further clear from the perusal of this office letter that muster roll workers beldars who have put six years of regular service are to be regularized on or before 7.12.88. The management has also written to the subordinate officials to furnish service record of said beldar/muster roll workers. Since Hon'ble Apex Court gave directions in Surinder Singh's case (Supra), 8982 posts in various categories of workcharged Establishment and regular classified establishment were created. There is list of various posts annexed with his letter. The claimant has also file list of posts of various categories including that of beldar with this letter. Later on, department had issued office order dated 26.4.2010 which deals with the abolition of the posts pertaining to workcharged establishment.

10. It was strongly argued on behalf of workman hat when 8982 posts were created after taking necessary approval from the Central Government consequent to the case Surinder Singh Case (Supra) in that eventuality it was incumbent upon the management to have regularized the services of the claimant as per the said judgment. The claimant also made reference during the course of argument though office memorandum Ex.WW1/5 which deals with the grant of temporary status and regularization of casual workers, this letter clearly clarifies as per office memorandum No.51016/2/90-Estt.(C) dated 10.9.93 letter issued by the Directorate is applicable of the daily rated workers also. During the course of arguments, attention of this Tribunal was also invited to the workcharged establishment Manual 2000 which contained complete guidelines for grant of temporary status of temporary labours/ beldars. This establishment manual clearly provides that temporary status would be conferred on all casual labourers who have completed continued service of at least one year and this confirmation would be without reference to regular group D posts. Admittedly, claimant herein was working in group D post. Clauses 8 of the said manual deals with procedure of filling of group D posts. Ex.WW1/6 is statement of claim filed before the ALC.

11. Now the vital question before this Tribunal is whether the claimant herein is entitled for regularization of his service w.e.f. 1.1.93 or from the date his junior was promoted in stead of 11.12.2006. The only contention raised on behalf of management that service of workmen Randhir Singh and Ram Prasad was regularized in view of the order of Hon'ble CAT in OA No.96/99 and subsequent letter of Directorate General dated 8.7.00. It is further clear from the record that Randhir Singh Beldar was appointed on 11.11.86 whereas Ram Prasad was engaged on 10.10.91. Service of both these workers were regularized on 5.8.02. Admittedly, both these were junior to the claimants the claimant was engaged as muster roll beldar on 12.12.85. In such circumstances, the claimant herein was entitled for regularized much before his co-workers Randhir Singh and Ram Prasad. The claimant had made detailed statement in affidavit Ex.WW1/A in his regard and he has been subjected to cross examination wherein he has stated that he was regularized w.e.f.11.12.2006. He has further clarified that he was not a party to a case filed by co workers Randhir Singh and Ram Prasad before Hon'ble CAT.

12. Now, the other important question is whether the claimant herein can be denied the benefit of regularization of service solely for the reason that he was not a party to the Writ Petition filed by above two co-workers of the claimant herein. Sudhir Kumar Tiwari while appearing as MW1 has also stated in his affidavit Ex.MW1/A that services of Randhir Singh and Ram Prasad were regularized vide order OA No.2569/99 of Hon'ble CAT, New Delhi and Directorate General letter dated 8.7.2002. He has admitted in his cross examination while appearing as MW1 that claimant herein was granted temporary status from 1.9.1993 whereas his service was regularized on 11.12.2006. Hon'ble Apex Court in the case of *Sate of U.P. Vs. Arvind Kumar Srivastava* (2015) 1 SCC 347 while considering the question of grant of equal and similar benefits to similar set of employees who were not party, observed as under :

“The moot question which requires determination is as to whether in the given case, approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgment of the Tribunal, which had attained finality as it was affirmed till the Supreme Court. The legal principles that can be culled from the judgments, cited both by the appellants as well as the respondents, can be summed up as under:

(1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of [Article 14](#) of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

(2) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

(3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularization and the like (see [K.C. Sharma & Ors. v. Union of India](#) (supra)). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”

13. It is thus clear from the ratio of the above judgment that when the Hon'ble court has decided the question of law regarding upscaling of seniority etc and when the particular set of employees is given a relief by the court all other similar set of employees are to be treated alike by extending said benefits. Otherwise it will be non qua discrimination and the said action would be in violation of Article 14 of Constitution of India. Therefore, denial of benefit of seniority to the claimant from the date since when he is to be promoted would be against the rule of law. Accordingly, it is held that claimant herein is entitled for regularization of service from 1.1.93 when he became legible for regularization.

14. The contention of the management that in view of judgment of the Hon'ble Apex Court in *State of Karnataka Vs. Uma Wati*, relief could not have been granted to the claimant herein, is without any substance and the same is liable to be rejected. The engagement of the claimant herein is muster roll beldar and was not irregular as he was engaged in due course and in accordance with selection procedure. In fact, his name was sponsored by employment exchange.

Umadevi's judgment, in fact, deals with legal as well as irregular employment and suggested guidelines were issued by the Hon'ble Apex Court restraining the State in future from making back door entry. However, one time realization was also given to the State to consider such irregular appointments. The Hon'ble Apex Court in the case of *ONGC Ltd. Vs. Petroleum Coal Labour Union & Ors. 2015, Labour Industrial cases, 2483* held as under :

“32. The power given to the Industrial and Labour Courts under section 30 is very wide and he affirmative action mentioned therein is inclusive and not exhaustive. Employing badlis, casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent employees in an unfair labour practice on the part of the employer under Item 6 of Schedule IV. Once such unfair labour practice on the part of the employer is established in the complaint, the Industrial and Labour Courts are empowered to issue preventive as well as positive direction to an erring employer.

33. The provisions of the MRTU and PULP Act and the powers of the Industrial and Labour Courts provided therein were not at all under consideration in Umadevi. As a matter of fact, the issue like the present one pertaining to unfair labour practice was not at all referred to, considered or decided in Umadevi. Unfair labour practice on the part of the employer in engaging employees as badlis, casuals or temporaries and to continue them as such for years with the object of depriving them of the status and privileges of permanent employees as provided in Item 6 of Schedule IV and the power of the Industrial and Labour Courts under Section 30 of the Act did not fall for adjudication or consideration before the Constitution Bench.

36. Umadevi does not denude the Industrial and Labour Courts of their statutory power under Section 30 read with Section 32 of the MRTU and PULP Act to order permanency of the workers who have been victims of unfair labour practice on the part of the employer under Item 6 of Schedule IV where the posts on which they have been working exist. Umadevi cannot be held to have overridden the powers of the Industrial and Labour Courts in passing appropriate order under Section 30 of the MRTU and the PULP Act, once unfair labour practice on the part of the employer under Item 6 of Schedule IV is established.”

15. In view of the above legal position, it is held that Uma Devi's case discussed above, does not stand in the way of regularization of service of workman.

Issue No.2

16. It is clear from the evidence on record that management vide Office Memorandum Ex.WW1/5 has clarified that orders contained in D.P.& T. Office Memorandum dated 10.9.93 are applicable to all daily rated workers engaged in C.P.W.D. either on Muster Roll or otherwise. Since claimant herein is working as Beldar on Muster Roll since 1985 as such he is liable to be regularized from 1.1.93, when services of his counterparts or junior to him were regularized. Accordingly, this issue is decided in favour of workman.

17. No specific evidence was adduced by the management. Even otherwise the claim filed by the claimant herein is legally maintainable in as much as claimant falls within the definition of a workman and management of CPWD also falls within the definition of industry. It has been held by Hon'ble Apex Court in case of **Devinder Singh Vs. Municipal Council, Sanaur, AIR 2011 S.C. 2532**, that definition of workman as given in the Industrial Disputes Act is very comprehensive and include every type of workman. The relevant part of the judgment is as under :

“The source of employment, the method of recruitment, the terms and conditions of employment/contract of service, the quantum of wages/pay and the mode of payment are not at all relevant for deciding whether or not a person is a workman within the meaning of [Section 2\(s\)](#) of the Act.

The definition of workman also does not make any distinction between full time and part time employee or a person appointed on contract basis. There is nothing in the plain language of [Section 2\(s\)](#) from which it can be inferred that only a person employed on regular basis or a person employed for doing whole time job is a workman and the one employed on temporary, part time or contract basis on fixed wages or as a casual employee or for doing duty for fixed hours is not a workman.

15. Whenever an employer challenges the maintainability of industrial dispute on the ground that the employee is not a workman within the meaning of [Section 2\(s\)](#) of the Act, what the Labour Court/Industrial Tribunal is required to consider is whether the person is employed in an industry for hire or reward for doing manual, unskilled, skilled, operational, technical or clerical work in an industry. Once the test of employment for hire or reward for doing the specified type of work is satisfied, the employee would fall within the definition of 'workman'.”

18. As a sequel to my above discussion, it is held that service of claimant Naresh Kumar is liable to be regularized from 1.1.93 when services of his counterparts or juniors were regularized. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : 2.11.2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2017

का.आ. 2840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 15/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.11.2017 को प्राप्त हुआ था।

[सं. एल-22012/88/2014-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 13th December, 2017

S.O. 2840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 30.11.2017.

[No. L-22012/88/2014-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 9th day of October, 2017

INDUSTRIAL DISPUTE L.C. No. 15/2015

Between:

The President,
(Sri Bandari Satyanarayana),
Telengana Trade Union Council,
Rajkumar Complex, Saibaba Temple Road,
Jaffar Nagar, Mancherla - 504208
Adilabad District

...Petitioner Union

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Sreerampur Area, Sreerampur(P.O.)-504 303
Adilabad District

...Respondent

Appearances:

For the Petitioner : Party in person

For the Respondent : Representative

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/ 88/2014-IR(CM-II) dated 23.1.2015 referred the following dispute between the management of M/s. Singareni Collieries Company Ltd., and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Sreerampur Area, Sreerampur, Adilabad Distt., in terminating the services of Sri Nalaveti Rajeshan, Ex-Lineman, SRP-I Incl., Sreerampur Area with effect from 31.10.2003 is justified or not? If not, to what relief the applicant is entitled for?”

The reference is numbered in this Tribunal as I.D. No. 15/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement of the Petitioner union. In spite of availing several opportunities, the Petitioner union and the Respondent remained absent and no representation was made on behalf of the Petitioner union which clearly indicates that perhaps the dispute of the Petitioner union has already been settled. In the circumstances stated above, it is felt that the Petitioner union is not interested in pursuing the dispute. Thus, ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 9th day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 13 दिसम्बर, 2017

का.आ. 2841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 20/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.12.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 13th December, 2017

S.O. 2841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 20/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 08.12.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD**

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated : the 7th day of November, 2017

INDUSTRIAL DISPUTE L.C. No. 20/2008

Between:

Sri Kosana Srinivas,
S/o Late Babu Rao,

C/o Smt. A. Sarojana,
 Advocate, Flat No.G7,
 Rajeshwari Gayatri Sadan,
 Opp: Badruka Jr. College for Girls,
 Kachiguda, Hyderabad

...Petitioner

AND

1. The General Manager,
 M/s. Singareni Collieries Company Ltd.,
 Mandamarri Area, Mandamarri,
 Adilabad District.
2. The Superintendent of Mines,
 M/s. Singareni Collieries Company Ltd.,
 KK-5 Incline, Mandamarri Area,
 Mandamarri, Adilabad District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates
 For the Respondent : Sri M.V. Hanumanatha Rao, Advocate

AWARD

Sri Kosana Srinivas who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. MMR/PER/D/072/3974 dated 10.7.2004 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

The Petitioner was initially appointed as badli filler on 23.2.1997. The Petitioner was regular to his duties till the year 2000. During the year 2001 the Petitioner suffered from ill-health and other family problems and the Petitioner could not be regular to his duties during the year 2001. While the matters stood thus, charge sheet dated 19.2.07.03/2002 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 2001, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. MMR/PER/D/072/3974 dated 10.7.2004. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 2001, as it was only on account of his ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 4 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. MMR/PER/D/072/3974 dated 10.7.2004 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 13.3.1999 as Badli Coal Filler but not on 23.2.1997. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause

notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 30.3.2010.

5. Both the parties have advanced their arguments U/s.11A of the Industrial Disputes Act, 1947 in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Kosana Srinivas is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No. I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness and family problems, the Petitioner could not be able to attend his duty sincerely. He was getting treatment in company's area hospital. Even in his show cause the Petitioner has mentioned the above fact but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. But the authority has not considered any of the submissions of the Petitioner, and has imposed capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty of the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, after the death of the father of the Petitioner, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 27 years, he is now aged about 36 years and is searching ways and means to provide bread and butter to his family members. The Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward at the age of 36 years to work under the Respondents. In such a circumstances, atleast one chance should be given to him for reinstatement into service in order to get all his terminal benefits. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for about 4 years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Kosana Srinivas is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Kosana Srinivas is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the

opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. MMR/PER/D/072/3974 dated 10.7.2004 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri Kosana Srinivas be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of three months. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 7th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 13 दिसम्बर, 2017

का.आ. 2842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 48/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.12.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 13th December, 2017

S.O. 2842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 48/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 08.12.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD****Present : Sri Muralidhar Pradhan, Presiding Officer**

Dated : the 7th day of November, 2017

INDUSTRIAL DISPUTE L.C. No. 48/2008**Between:**

Sri Bejjanki Narsimha Chary,
S/o Venkataratnam,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad

...Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Post : Kalyankhani,
Adilabad District.
2. The Colliery Manager,
M/s. Singareni Collieries Company Ltd.,
RK-1A Incline, Mandamarri,
Adilabad District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates
For the Respondent : Sri S.M. Subhani, Advocate

AWARD

Sri Bejjanki Narsimha Chary who worked as Badli Coal filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring proceeding No. P/RKP/16/01/4870 dated 4.12.2001 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows :

On 15.5.1996 the Petitioner was initially appointed as Badli Coal Filler under compassionate grounds and he has been continuing in service without any adverse remarks. While the matters stood thus, a proceeding bearing No. P/RKP/16/01/4870 dated 4.12.2001 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the period from January, 2000 to April, 2000, which amounts to misconduct under company's Standing Order No.25.25. It is also stated that charge sheet dated 21.1.2001 was sent to the Petitioner's house which was returned undelivered, and as such a paper advertisement was issued, advising the Petitioner to attend for enquiry, and as the Petitioner did not attend the enquiry on the scheduled date, an ex-parte enquiry was conducted and he was dismissed from service. It is stated that the Petitioner was undergoing treatment in his native village and he was not aware of either issuance of charge sheet or any publication made by the Respondents in the newspapers. The Petitioner could have certainly participated in the enquiry, if really he was in receipt of the charge sheet or notice of paper publication. It is stated that the Petitioner was unable to perform his duties regularly during the year 2000 only on account of his ill-health and other family problems, for this he could not attend his duties sincerely, but without considering any of his submissions, the Petitioner was dismissed from service vide office order dated 4.12.2001. It is also stated that the action of the Respondents' management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered continuous service in the Respondents' management. He remained absent from duty only on account of his sickness and family problems which

ought not to have been treated as a serious misconduct. The Petitioner made the above stated submissions, but without considering any of his submissions, the Petitioner was dismissed from service vide office order dated 4.12.2001. The Petitioner approached the Respondents to consider his case sympathetically but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. P/RKP/16/01/4870 dated 4.12.2001 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 15.5.1996 as Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner had remained absent unauthorizedly from duty without sufficient cause on a number of days and attended 01 day for duty during the calendar year 2000. A charge sheet was sent to his last known home address as per the procedure as he was not attending for duty, which was returned undelivered. Subsequently, the same was published in Eenadu Telugu daily newspaper dated 20.7.2001 advising the Petitioner to attend an enquiry fixed on 26.7.2001. The Petitioner neither submitted any explanation to the charge sheet nor attended the enquiry, as such an ex-parte enquiry was conducted wherein the charges levelled against the Petitioner were proved. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings made in the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record, and found that there was no extenuating circumstances to take a lenient view and lastly, Respondent No.1 was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 16.6.2010.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Bejjanki Narsimha Chary is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to his treatment owing to ill-health and family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and treatment and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry.

In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 40 years, no penalty has been imposed upon him previously, he is now aged about 49 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for his reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked under the Respondents. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Bejjanki Narsimha Chary is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Bejjanki Narsimha Chary is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. P/RKP/16/01/4870 dated 4.12.2001 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri Bejjanki Narsimha Chary be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 7th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 13 दिसम्बर, 2017

का.आ. 2843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 108/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.12.2017 को प्राप्त हुआ था।

[सं. एल-22013/01/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 13th December, 2017

S.O. 2843.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 108/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 08.12.2017.

[No. L-22013/01/2017-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 7th day of November, 2017

INDUSTRIAL DISPUTE L.C. No. 108/2006**Between:**

Sri Gandam Banaiah,
S/o Laxmaiah,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad

...Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri,
Adilabad District.
2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
KK-5 Incline, Mandamarri Area,
Mandamarri, Adilabad District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates
For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Lakshmi Panguluri, Advocates

AWARD

Sri Gandam Banaiah who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. P.RG.I/32A/99/6451 dated 10.10.99 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

The Petitioner was initially appointed as badli filler in the year 1989 and thereafter his services have been regularized as coal filler. While the matters stood thus, two charge sheets dated 25.11.98 and 19.2.99 were issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty which amounts to misconduct under

company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. MMR/PER/D/072/381 dated 2.1.2004. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 1999 as it was only on account of his ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondent management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 15 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. MMR/PER/D/072/381 dated 2.1.2004 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 8.11.1989 as Badli Filler and confirmed as coal filler with effect from 1.1.1996. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended for the enquiry on the dates fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 29.4.2009.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Gandam Banaiah is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to ill-health and family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing severe punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed.

After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 40 years, no penalty has been imposed upon him previously, he is now aged about 50 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has already worked 10 years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Gandam Banaiah is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Gandam Banaiah is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. P.RG.I/32A/99/6451 dated 10.10.99 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri Gandam Banaiah be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 7th day of November, 2017.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL